

## FIFTY-SECOND DAY

(Tuesday, April 11, 1939)

The House met at 10:15 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Hale
Allen	Hamilton
Allison	Hankamer
Alsup	Hardeman
Bailey	Hardin
Baker	Harp
of Fort Bend	Harper
Baker of Grayson	Harrell of Bastrop
Bell	Harrell of Lamar
Blankenship	Harris
Bond	Hartzog
Boyd	Heflin
Boyer	Holland
Bradbury	Howard
Bradford	Howington
Bray	Hull
Bridgers	Hunt
Broadfoot	Isaacks
Brown of Cherokee	Johnson of Ellis
Brown	Johnson of Tarrant
of Nacogdoches	Kennedy
Bundy	Kern
Burkett	Kerr
Burney	Kersey
Cauthorn	Kinard
Celaya	King
Chambers	Langdon
Clark	Lehman
Cleveland	Leonard
Cockrell	Leyendecker
Coleman	Little
Colquitt	Lock
Colson, Mrs.	Loggins
Cornett	London
Corry	Mays
Crossley	McAlister
Daniel	McDaniel
Davis of Jasper	McDonald
Davis of Upshur	McFarland
Dean	McMurry
Derden	McNamara
Dickison	Mohrmann
Dickson	Monkhouse
Donaghey	Montgomery
Dwyer	Morris
Faulkner	Newell
Felty	Nicholson
Ferguson	Oliver
Fielden	Pace
Fuchs	Pevehouse
Galbreath	Piner
Gilmer	Pope
Goodman	Ragsdale
Gordon, Mrs.	Reader of Bexar

Reader of Erath	Talbert
Reaves	Tarwater
Reed	Taylor
Rhodes	Tennant
Riviere	Thornberry
Roach	Thornton
Roberts	Turner
Robinson	Vale
Russell	Vint
Schuenemann	Voigt
Segrist	Waggoner
Shell	Weldon
Skiles	Westbrook
Smith of Frio	White
Smith of Hopkins	Wilson
Smith	Winfree
of Matagorda	Wood
Spencer	Worley
Stinson	Wright
Stoll	

## Absent—Excused

Anderson	Petsch
Dowell	Wells
Keith	

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Almighty God, for everything that we have been enabled to do that is good and acceptable unto Thee we praise Thy name. We acknowledge our shortcomings and realize our weakness as we undertake the important work of the day. Humbly we ask that Thy hand may clear our ways and Thy Spirit may give us light and courage. For Christ's sake. Amen."

## LEAVES OF ABSENCE GRANTED

The following Member was granted leave of absence on account of important business:

Mr. Keith for today, on motion of Mr. Waggoner.

The following Member was granted leave of absence on account of illness:

Mr. Anderson for this morning, on motion of Mr. Reader of Bexar.

## EXPRESSING APPRECIATION OF THE HOUSE

Mr. Tennant offered the following resolution:

H. S. R. No. 219, Expressing appreciation of the House.

Whereas, The recent issue of Life Magazine, under the date line of April 10, devoted an even dozen of its pages

to publicize the great State of Texas and extolling its virtues; and

Whereas, Said article brought to the attention of all the Nation the beauty, advantages, and resources of this great State such as no amount of paid publicity could ever have achieved; and

Whereas, We Texans, who are justly proud of our State and its great heritage, appreciate the fact that Life magazine has told the rest of the Nation about us in such glowing details; therefore, be it

Resolved by the House of Representatives of the State of Texas, That Life magazine be both congratulated for its sagacity in choosing such an interesting topic as Texas and thanked profusely for the well-deserved and appreciated publicity, and the splendid workmanship of this article; and be it further

Resolved, That a copy of this resolution be sent to the editor of the Life Magazine.

The resolution was read second time, and was adopted.

#### INVITING POET LAUREATE OF THE STATE TO APPEAR BEFORE THE HOUSE

Mr. Chambers offered the following resolution:

H. S. R. No. 221, Inviting Poet Laureate of the State to appear before the House.

Whereas, The Forty-sixth Legislature has selected Mrs. Lexie Dean Robertson as Poet Laureate for Texas for the ensuing two years; and

Whereas, Mrs. Lexie Dean Robertson is willing to read for the House; now, therefore, be it

Resolved by the House of Representatives, That an invitation is hereby extended to Mrs. Lexie Dean Robertson to read before the House on May 3rd, 1939, at 12:15 p. m.

CHAMBERS,  
BURKETT,  
CROSSLEY.

The resolution was read second time, and was adopted.

#### TO EXPRESS POLICY OF THE HOUSE

Mr. White offered the following resolution:

H. S. R. No. 222, To express policy of the House.

Whereas, There are over six million (6,000,000) people in Texas; and

Whereas, The vast majority of these six million (6,000,000) people are poor and common people; and

Whereas, The Legislature does not wish to place a tax upon the low income group—farmers, the independent merchants, and those that are now over-burdened with taxes; and

Whereas, The citizens of Texas adopted a Constitutional amendment for the paying of a pension to persons over sixty-five (65) years of age; and

Whereas, The State of Texas has an abundance of natural resources; and

Whereas, There has been only one purely Natural Resource Bill on the floor; and

Whereas, There is only one other House bill that includes a small increase in natural resources;

Resolved, That the majority Members of the Legislature are desirous of voting a natural resource bill or a bill in some form to finance the old age pension which is the most just cause now before consideration in this, the Forty-sixth Session of the Legislature.

WHITE,  
WELDON,  
SPENCER,  
BAKER of Grayson.

The resolution was read second time.

On motion of Mr. Hankamer, the resolution was referred to the Committee on State Affairs.

(Mr. Thornton in the Chair.)

#### AUTHORIZING CERTAIN COR- RECTION IN HOUSE BILL NO. 444

Mr. Piner offered the following resolution:

H. C. R. No. 88, Authorizing certain correction in House Bill No. 444.

Whereas, As finally passed by the House and Senate the first sentence of Section 1, of House Bill No. 444 reads, as follows: "An Act amending Section 1, Article 306, Fur-bearing Animal Laws to read as follows;" now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House of Representatives be, and is hereby authorized to make certain typographical corrections in said bill, to-wit: Strike out the following words in the

first sentence in Section 1, "An Act amending Section 1, Article 306, Fur-bearing Animal Laws," and substitute in lieu thereof the following: "That Section 1 of House Bill No. 1045, Chapter 228, Acts of the Regular Session of the Forty-fifth Legislature be amended so as," and to amend the caption to conform to the body of the bill.

The resolution was read second time, and was adopted.

#### GRANTING PERMISSION TO SUE THE STATE

The Chair laid before the House, for consideration at this time,

S. C. R. No. 18, To grant John Bagwell and wife permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

The resolution was then adopted by the following vote:

#### Yeas—120

Allison	Dickison
Bailey	Dickson
Baker	Donaghey
of Fort Bend	Dwyer
Baker of Grayson	Faulkner
Bell	Felty
Blankenship	Ferguson
Boyd	Fielden
Boyer	Fuchs
Bradbury	Galbreath
Bradford	Gilmer
Bray	Goodman
Bridgers	Gordon, Mrs.
Broadfoot	Hale
Brown of Cherokee	Hamilton
Brown	Hankamer
of Nacogdoches	Hardin
Bundy	Harp
Burkett	Harrell of Bastrop
Burney	Harrell of Lamar
Cauthorn	Harris
Celaya	Heflin
Chambers	Howington
Clark	Hull
Cleveland	Hunt
Cockrell	Isaacks
Colson, Mrs.	Johnson of Ellis
Cornett	Johnson of Tarrant
Crossley	Kennedy
Daniel	Kern
Davis of Jasper	Kerr
Davis of Upshur	Kersey

Kinard	Riviere
King	Roach
Langdon	Roberts
Lehman	Robinson
Leonard	Russell
Little	Schuenemann
Lock	Segrist
Loggins	Shell
London	Skiles
Mays	Smith of Hopkins
McAlister	Smith
McDaniel	of Matagorda
McDonald	Spencer
McMurry	Stinson
McNamara	Talbert
Mohrmann	Tarwater
Monkhouse	Taylor
Montgomery	Tennant
Morris	Thornberry
Newell	Turner
Nicholson	Vale
Oliver	Voigt
Pace	Waggoner
Pevehouse	Weldon
Pope	Wilson
Ragsdale	Winfree
Reader of Bexar	Wood
Reader of Erath	Worley
Reaves	Wright
Rhodes	

#### Nays—2

Allen

Stoll

#### Present—Not Voting

Westbrook

#### Absent

Alsup	Holland
Bond	Howard
Coleman	Leyendecker
Colquitt	McFarland
Corry	Piner
Dean	Reed
Derden	Smith of Frio
Hardeman	Thornton
Harper	Vint
Hartzog	White

#### Absent—Excused

Anderson	Petsch
Dowell	Wells
Keith	

#### EXPRESSING APPRECIATION OF THE STATE

The Chair laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 34, Expressing appreciation of the people of the State of Texas.

Whereas, In its issue of April 10, 1939, the pictorial magazine, Life,

published in New York, gave twelve pages of well prepared and beautifully illustrated scenes depicting the agricultural, industrial and historical life of our great State; and

Whereas, This great magazine with a circulation of two million per week carried this fine story of information concerning our State, which was in line with the aim of our citizenship to advertise to the world our great industrial, agricultural, live stock and mineral resources; and

Whereas, This great piece of publicity was given our State without cost; now, therefore, be it

Resolved, That the Senate of the State of Texas, the House of Representatives concurring, through the Secretary of the Senate and the Chief Clerk of the House, express to the publishers of Life Magazine the sincere appreciation of the people of Texas for this wonderful pictorial representation of our State, and the gratitude that the people of Texas and the Legislature of this State feels for this constructive and valuable work in behalf of Texas.

The resolution was read second time, and was adopted.

#### RELATIVE TO PRINTING OF CERTAIN COMMUNICATION

Mr. Spencer moved that certain communication be printed in the Journal.

Mr. Hankamer raised a point of order, on consideration of the motion by Mr. Spencer at this time, on the ground that the routine motion period has expired.

The Chair sustained the point of order.

#### HOUSE BILL NO. 908 ON PASSAGE TO ENGROSSMENT

The Chair laid before the House, as pending business, on its passage to engrossment,

H. B. No. 908, A bill to be entitled "An Act to provide revenues for the purposes set out herein designated as social security taxes, such taxes to be levied upon transactions, services, activities, and natural resources as set out by the provisions of this Act; providing for severance taxes in certain instances, making certain exemptions; defining the terms 'person,' 'sale,' 'tangible personal property,' and 'sale for industrial purposes;' pro-

viding that the Comptroller of Public Accounts shall collect the taxes levied herein and pay the same to the State Treasurer; providing that the State Treasurer shall open and maintain certain special funds; providing for the transfer from the Texas Old Age Assistance Fund to the Destitute Children's Assistance Fund of One Million, Five Hundred Thousand (\$1,500,000.00\_) Dollars; providing for the transfer from the Texas Old Age Assistance Fund to the Teachers' Retirement Fund of an amount adequate to meet obligations for the period set out herein; providing that old age assistance, destitute children's assistance, teachers' retirement benefits and needy blind assistance and the State's administration thereof shall be paid exclusively from the revenue derived from the taxes herein levied and providing that no further taxes shall be levied for such purpose; making provisions relative to any deficit that may exist in the Old Age Assistance Fund; providing that the taxes levied herein are in addition to all other taxes that are now or may hereafter be levied; prohibiting cities or other political subdivisions of the State from levying occupation taxes or charges upon any person engaged in business in which the sales or service transactions are taxed under this Act and making certain exceptions; providing the effective date of this Act; repealing all laws or parts of laws in conflict herewith, and providing a saving clause."

The bill having been read second time on yesterday.

Mr. Wright offered the following committee amendment on the bill:

Amend House Bill No. 908, by striking out all after the enacting clause, and substituting therefor, the following:

"Section 1. In order to provide the revenues for the purposes set out in this Act, taxes to be known and designated as Social Security Taxes are hereby levied upon transactions, services, activities and natural resources as follows:

(a) Upon every retail sales transaction of tangible personal property in this State the tax shall be two (2) per cent of the retail sale price.

(b) Upon every sale in this State of electric energy and gas (natural or artificial) by private utilities, municipalities and governmental agen-

cies, except on sales for industrial purposes, the tax shall be two (2) per cent of the sale price.

(c) Upon all sales of service to telephone subscribers and to others through equipment of telephone subscribers for the transmission of messages and conversations, both local and long distance, and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto in this State the tax shall be two (2) per cent of the sale price.

(d) Upon all charges for admission to places of amusement or athletic contests, the tax shall be One (1c) Cent for each Fifty (50c) or fractional part thereof of the admission price in excess of Fifty (50c) Cents.

(e) The taxes levied under (a) (b) (c) and (d) shall be collected from the purchaser by the seller, provided that the seller may at his option refrain from collecting the tax on sales of Fifteen (15c) Cents or less, but in such case the seller shall pay the tax to the Comptroller as herein provided; and, except as herein otherwise exempted, on or before the tenth (10) day of each month every such seller shall compute the amount of his total cash gross receipts for the preceding month from all transactions described in paragraphs (a) (b) (c) and (d) and in settlement of the taxes thereon, he shall pay to the Comptroller of this State two (2%) per cent on the amount of such total gross cash receipts. The Legislature shall enact suitable laws to enforce the collection of such taxes.

(f) Each person who owns, controls, manages, leases, or operates any sulphur mine, or mines, well or shafts, or who produces sulphur by any method, system, or manner within this State shall pay a severance tax of Thirty-four (34c) Cents per long ton, or fraction thereof, of all sulphur so produced within the State.

(g) A severance tax equivalent to one (1%) per cent of the market value of the total amount of gas produced and saved within this State is hereby levied.

(h) There is hereby levied a severance tax on all oil produced within this State of One Cent (1c) per barrel of forty-two (42) standard gallons, said tax shall be computed upon the total barrels of oil produced or salvaged from the earth or waters of this State without any deductions;

provided however, that the tax levied by this Act shall not apply to oil which is produced from wells in this State producing six (6) barrels, or less, per day of twenty-four (24) hours; provided, however, that the severance tax herein levied on oil shall be one (1%) per cent of the market value of said oil whenever the market value thereof is in excess of One Dollar (\$1) per barrel of forty-two (42) standard gallons.

(i) Severance taxes herein imposed shall be paid to the Comptroller of the State; said taxes shall be the liability of the producer and such taxes shall be borne ratably by all interested parties including royalty owners. The Legislature shall enact laws prescribing the method of reporting and collecting all severance taxes and may require the purchaser of oil, gas and sulphur to deduct the tax on all oil, gas and sulphur purchased and pay same to the Comptroller of this State. Until the Legislature shall otherwise provide, the provisions of the existing law providing for an occupation tax on oil, gas, and sulphur with reference to paying such occupation tax, the records to be kept and reports to be made in regard thereto, and all other administrative provisions of said law, insofar as they may be given application consistent herewith, shall apply and be followed in the enforcement and collection of the severance taxes herein levied.

(l) There is hereby exempted from the provisions of this Act and from the computation of the taxes levied, assessed and payable under this Act, all dairy products, when such products are purchased from farmers, processors, distributors, and other persons engaged exclusively in the production, processing, distribution and sale of dairy products, the first sale by the producer of all horticultural, agricultural, live stock, and poultry products; all admissions to places of amusement and athletic contests where the admission price is Fifty (50c) Cents or less; all sales of newspapers and magazines; all sales of gasoline and cigarettes; all sales of beverages having an alcoholic content of more than one-half ( $\frac{1}{2}$ ) of one (1%) per cent by volume; all sales in interstate commerce to the extent, and to the extent only, that the State of Texas is prohibited by the Constitution of the United States of Amer-

ica from taxing such sales; all sales by or to the State of Texas or any subdivision thereof; and all sales to the United States Government.

(2) The term "person" as used herein shall mean and include any person, firm, concern, receiver, trustee, executor, administrator, agent, institution, association, partnership, company, corporation and persons acting under declaration of trust, as well as the trustees acting under such declarations of trust, or any other group or combination acting as a unit, and the plural as well as the singular number unless the intention to give it a more limited meaning is clearly disclosed by the context.

(3) "Sale" means any transfer of title or possession or both, conditional or otherwise, in any manner or by any means whatsoever of tangible personal property, for a consideration; and a transaction whereby the possession of property is transferred but the seller retains title as security for the payment of the price shall be deemed a sale. A "retail sale," or a "sale at retail," or a "retail sales transaction" means a sale to a consumer or to any person for any purpose other than for resale in the form of tangible personal property, and shall include all such transactions as the State Comptroller, upon investigation, finds to be in lieu of such sales; provided, however, "sale at retail" shall not include an isolated or occasional sale of tangible personal property by a person not engaged in such business.

(4) The term "tangible personal property" means personal property which may be seen, weighed, measured, felt, touched or is in any other manner perceptible to the senses.

(5) The term "sale for industrial purposes" as used in connection with the sale of gas and electric energy, means and includes all sales made for industrial uses or purposes and all sales made for the purpose of resale.

(6) The Comptroller of Public Accounts of this State shall collect all taxes levied herein and pay the same to the State Treasurer and the State Treasurer shall open and maintain in his office four (4) special funds as follows: (a) Destitute Children's Assistance Fund; (b) Teachers' Retirement Fund; and (c) Texas Old Age Assistance Fund; and (d) Needy

Blind Assistance Fund. All the proceeds of the taxes herein levied shall be received by the State Treasurer from the Comptroller of Public Accounts and credited to the Texas Old Age Assistance Fund.

(7) After the effective date of this Act, the State Treasurer shall transfer from the Texas Old Age Assistance Fund to the said Destitute Children's Assistance Fund, the sum of One Million Five Hundred Thousand (\$1,500,000.00) Dollars to meet the obligations of this State as authorized by Section 51d of Article III of the Constitution of this State, and annually thereafter said Treasurer shall during the first six (6) months of each year transfer from said Texas Old Age Assistance Fund to said Destitute Children's Assistance Fund such an amount, not to exceed One Million Five Hundred Thousand (\$1,500,000.00) Dollars, as may be necessary, together with any monies, or funds, remaining in such Destitute Children's Assistance Fund to meet Legislative Appropriations authorized for such purposes. Such fund, or so much thereof as may be necessary, shall be used exclusively for the payment of assistance to destitute children and the State's portion of the cost of administering said fund.

(8) After the effective date of this Act, the State Treasurer shall transfer from the Texas Old Age Assistance Fund to the said Teachers' Retirement Fund, an amount adequate to meet the obligations of this State which will accrue during the period beginning January 1, 1940, and ending January 1, 1941, as provided for in Section 48a of Article III of the Constitution of this State, and annually thereafter said State Treasurer shall, during the first six (6) months of each year, transfer from said Texas Old Age Assistance Fund to said Teachers' Retirement Fund such an amount as may be necessary to meet the obligations of the State as provided for in said Section 48a of Article III of the Constitution of this State. Such fund, or so much thereof as may be necessary, shall be used exclusively for the payment of Teachers' Retirement Benefits and the State's portion of the cost of administering such fund. It is provided, however, that during the calendar year 1942, the State Treasurer shall transfer from the

Old Age Assistance Fund to the Teachers' Retirement Fund an additional amount equivalent to one-fifth ( $1/5$ ) of the undischarged obligation of the State to the Teachers' Retirement Fund which has accumulated prior to the first day of January, 1940, and during each of the succeeding four (4) years a like amount shall be so transferred to the Teachers' Retirement Fund.

(9) After the effective date of this Act the State Treasurer shall transfer from the Texas Old Age Assistance Fund to the said Needy Blind Assistance Fund an amount adequate to meet the obligations of this State which will accrue during the period beginning January 1, 1940, and ending January 1, 1941, as provided for in Section 51c of Article III of the Constitution of this State, and annually thereafter said Treasurer shall, during the first six (6) months of each year, transfer from said Texas Old Age Assistance Fund to said Needy Blind Assistance Fund such amount as may be necessary to meet the obligations of the State as provided for in said Section 51c of Article III of the Constitution of this State. Such fund, or so much thereof as may be necessary, shall be used exclusively for the payment of Needy Blind Benefits and the State's portion of the cost of administering such fund.

(10) After the effective date of this Act Old Age Assistance, Destitute Children's Assistance, Teachers' Retirement Benefits, and Needy Blind Assistance and the State's portion of the administration thereof shall be paid exclusively from the revenue derived from the taxes herein levied and no appropriation shall thereafter be made out of any other State funds for any such purposes, nor shall any other taxes be levied, or collected, for the payment of Old Age Assistance, Destitute Children's Assistance, Needy Blind Assistance or for Teachers' Retirement Benefits or the State's portion of the administration thereof.

(11) If, after the State Treasurer has transferred and credited to the Destitute Children's Assistance Fund, The Teachers' Retirement Fund and the Needy Blind Fund the respective amounts required to be transferred and credited to such respective funds, it appears that the revenue remaining will not be adequate to pay in

full all grants made to recipients of old age assistance, then, and in that event, the revenue remaining shall be paid pro rata to such recipients of old age assistance based on the amount granted to each recipient, and neither the State nor any of its agencies shall be liable in any way to any recipient for any deficit. The provisions hereof providing for old age assistance shall not be construed as a vested right in the recipients of old age assistance.

(12) The taxes herein levied are in addition to all other taxes that are now or may hereafter be levied by law.

(13) After the effective date of this Act two-thirds of all tax revenue derived in this State from the sale of cigarettes, and three-fourths of all tax revenue derived in this State from the sale of liquor, wine, and beer shall be credited to the Old Age Assistance Fund.

(14) No city or other political subdivision of the State, by virtue of its taxing power, police power, or otherwise, shall impose an occupation tax or charge of any sort, whether measured by gross receipts or otherwise, for the privilege of doing business, upon any person engaged in a business in which the sales or service transactions are taxed under this Act shall not limit the right of any city to collect any special taxes which are now or may hereafter be provided for in a franchise, or which are payable under any agreement now in existence or hereafter made between a city and the holder of a franchise; nor shall any city or county be denied the right to levy such occupation taxes as are now authorized under the Constitution on peddlers, itinerant merchants, pawnbrokers, places of amusement, and athletic contests, and as may hereafter be permitted or provided by law on the hereinbefore named occupations.

Sec. 2. The taxes levied in this Act shall become effective September 1, 1939.

Sec. 3. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed to the extent of such conflict.

Sec. 4. If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall

not affect the validity of the remaining parts of this Act."

Mr. Hardin offered the following substitute for the committee amendment:

Amend House Bill No. 908, by striking out all above the enacting clause, and substituting in lieu thereof, the following:

#### A BILL

#### To Be Entitled

"An Act levying gross receipts taxes on wholesale and retail merchants, lenders of money or credit, and severance taxes upon those producing sulphur, natural gas and oil, for the purpose of providing revenues to pay Old Age Assistance, and to enable the State to meet its obligations to the Destitute Children, Needy Blind, and Teachers Retirement Fund; providing for the collection of such taxes, allowing certain exemptions, imposing penalties both civil and penal for failure to report and pay such taxes, and allocating the revenues derived from this Act.

Be It Enacted by the Legislature of the State of Texas:

Section 1. The following words, terms and phrases as used in this Article are hereby defined as follows:

(a) "Person" shall mean and include every individual, firm, association, joint stock company, syndicate, co-partnership, corporation, trustee, agency and receiver and every other legal entity, natural or artificial.

(b) "Comptroller" shall mean the Comptroller of Public Accounts of the State of Texas.

(c) The term "tax year" shall mean either the calendar year or the taxpayers' fiscal year when permission is obtained from the Comptroller to use the same as the tax period in lieu of the calendar year.

(d) The term "cash gross receipts" means the total amount of money received in the regular course of business for tangible personal property sold by any person engaged in the retail business or the wholesale business.

(e) The term "business" when used in this Act shall include all activities or acts engaged in or caused to be engaged in with the object of gain,

benefit or advantage, either direct or indirect.

(f) The term "retail sale" means the sale or transfer of tangible personal property for a valuable consideration, when such transfer is made by one in the ordinary course of his business and the sale is made for consumption or use, or for any purpose other than for resale, or for use in processing, manufacturing or industrial enterprises. The term "sale at retail" or "retail sale" shall not include the isolated or occasional sale of tangible personal property by a person not engaging in the retail business.

(g) "Retail business" means engaging in the business of making retail sales.

(h) The term "wholesale" shall mean the sale of tangible personal property to persons for the purpose of resale, and for the purpose of being used or consumed by manufacturers, processors and industries.

Sec. 2. Beginning September 1st, 1939, all persons engaged in the retail business in this State shall pay a tax equal to one per cent (1%) of the total cash gross receipts of such business, and all persons engaged in the wholesale business shall pay a tax equivalent to one-fourth of one per cent ( $\frac{1}{4}\%$ ) of the total cash gross receipts of such business, and all persons engaged in the business of lending money or credit shall pay a tax equal to one-tenth of one per cent ( $\frac{1}{10}\%$ ) on their gross income. All such taxes shall be paid by the merchant or the lender of money or credit and shall not be passed on to the buyer or borrower. Provided, however, that in every case the taxpayer shall be exempt from such taxes on Twenty-five Thousand Dollars of his cash gross receipts or gross income during any one tax year, and such exemption may be allowed monthly under such regulations as the State Comptroller shall prescribe.

Sec. 3. No tax shall be levied upon the cash gross receipts derived from the following sales:

Goods, wares and merchandise sold to the government of the United States and its agencies; goods, wares and merchandise sold to the State of Texas and its agencies and to the various counties, districts and municipalities of this State and their agencies; sales at retail in interstate and foreign commerce, only to the extent



that the same are free from taxation under the Constitution of the United States of America; newspapers and magazines; the first sale by the producer of all horticultural, live stock, poultry and dairy products; sale of any commodity or service on which the seller now pays an occupation tax measured by gross receipts equivalent to one per cent (1%) or more of the sale price.

The taxpayer shall report the gross amounts received from each class of sales described in this Section, but shall not be required to pay a tax thereon under this Act.

Sec. 4. The taxes levied hereunder shall be due and payable in monthly installments on or before the 15th day of the month next succeeding the month in which the tax accrues. The taxpayer shall, on or before the 15th of each month, make out a return showing the amount of tax for which he is liable for the preceding month and shall mail such return, together with a remittance for the amount of tax due him, in the form hereinafter provided, to the office of the Comptroller. Such monthly return shall be signed by the taxpayer or his duly authorized agent and shall be verified by oath. Any person taxable under this Act who has made cash and credit or installment sales shall report all sales made by him and shall monthly pay the tax on cash sales, but may pay the tax accruing on credit or installment sales in the month next succeeding the date when such credit accounts are paid.

Sec. 5. Persons liable for taxes under this Act shall report all sales at retail, whether such sales are taxable or not, and in computing the tax due and owing by them they shall be allowed to deduct from their total gross receipts the proceeds of sales of commodities exempted from taxation by this Act as a credit and shall pay the taxes prescribed on the balance of such total gross receipts remaining after the deduction of the gross receipts of untaxed sales. Those engaged in the business of making sales at wholesale and retail shall keep such records as will enable them to report the cash gross receipts from each class of sales. In the event that sales at wholesale and sales at retail are not so segregated, the tax shall be paid at the rate herein levied on retail sales.

Sec. 6. Whenever the total tax for

which any person is liable under this Act does not exceed the sum of Ten (\$10) Dollars for any month he shall so inform the Comptroller and in lieu of the monthly return and remittance required herein he may make a quarterly return and remittance which shall be made on or before the 15th day of the month succeeding the end of the quarter for which the tax is due. When the total tax for which any person is liable under this Act does not exceed the sum of Ten (\$10) Dollars in each quarter year, he shall inform the Comptroller of such fact but shall not be required to make either a monthly or quarterly return and remittance, but in lieu thereof shall make an annual return and remittance, under such rules and regulations as the Comptroller may prescribe, such annual return and remittance to be made on or before the 30th day of the tax year for which the tax is due.

Sec. 7. The Comptroller shall prescribe forms for the making of the monthly, quarterly and annual returns and remittances required by this Act. Such return shall be verified by the oath of the taxpayer, if made by an individual, or by the oath of the president, vice-president, secretary or treasurer if made on behalf of a corporation. If made on behalf of a partnership, trust estate or any group or combination acting as a unit, or by any other entity, the same shall be made by any individual delegated by such taxpayer. If for any reason it is not practicable for the individual tax payer to make the oath the same may be made by any duly authorized agent.

Sec. 8. As soon as practicable after the return required by this Act is filed, the Comptroller shall examine it. If it then appears that the correct amount of tax is greater or less than the amount shown in the return, the tax shall be recomputed. If the amount paid exceeds that which should have been paid as recomputed, the excess so paid shall be immediately returned to the taxpayer in accordance with the provisions of this Act. If the amount paid is less than the amount which should have been paid, the difference, to the extent not covered by any credits under this Act, together with the interest thereon at the rate of one-half of one per cent ( $\frac{1}{2}\%$ ) per month from the time

the tax was due, shall be paid upon notice and demand by the Comptroller. If any part of the deficit, due to the neglect or intentional disregard of authorized rules and regulations with knowledge thereof but without intent to defraud, there shall be added as damages ten per cent (10%) of the total amount of the deficit, and the tax and interest in such cases shall be collected at the rate of ten per cent (10%) per annum on the amount of such deficit from the time the same was due, which interest and damages shall become due and payable on notice and demand by the Comptroller. If it be found that any part of the deficit occurred by reason of fraud with intent to evade the tax then there shall be added as damages not more than 100% of the total amount of the deficit and in such cases the whole amount of the tax unpaid, including charges so added, shall become due and payable and demand by the Comptroller and an additional ten per cent (10%) per annum on the tax shall be added from the date such tax was due and unpaid.

Sec. 9. It shall be the duty of every person engaging or continuing in this State in any business subject to the provisions of this Act to keep and preserve suitable records of the gross receipts from the sales of such business, and such other books of account and records as may be necessary to determine the amount of tax for which he is liable under the provisions of this Act. It shall be the duty of every such person to keep and preserve for a period of two years all invoices of goods and merchandise purchased for resale and all such books, invoices and other records shall be open for examination at all times to the Comptroller or his duly authorized agents.

Sec. 10 Every person selling at wholesale any goods, wares or merchandise, retail sales of which are taxed by this Act shall keep and preserve complete records of such sales. It shall be the duty of every such person to keep and reserve such records for a period of two years and available for examination and inspection.

Sec. 11. If no return is made when due by any taxpayer required to make returns as provided herein, the Comptroller shall give written notice by

registered mail to such taxpayer to make such return within thirty days from the date of such notice, and if such taxpayer shall fail or refuse to make such returns as he may be required to make in such notice, then such returns shall be made by the Comptroller from such information available, and such returns shall be prima facie correct for the purposes of this Act and the amount of tax shown due thereby shall be a lien against all of the property of the taxpayer subject to the execution until discharged by payment. If payment be not made within thirty days after demand therefor by the Comptroller, there shall be added not more than 100% thereof as damages, together with interest at the rate of one-half of one per cent ( $\frac{1}{2}\%$ ) per month on the tax from the time such tax was due. However, if such tax be paid within thirty days after notice by the Comptroller, there shall be added only ten per cent (10%) as damages, together with interest at the rate of one-half per cent ( $\frac{1}{2}\%$ ) per month from the time such tax was due until paid. It shall be within the discretion of the Comptroller to remit any penalties for the first offense upon payment of the tax due.

Sec. 12. The tax imposed by this Act shall be a lien upon the property of any person subject to the provisions hereof, who shall sell out his business or stock of goods, or shall quit business, and such person shall be required to make out a return upon such form as may be prescribed by the Comptroller within ten days after the date of the sale of his business or stock of goods, or the date of his cessation of business, and his successor in business shall be required to withhold sufficient of the purchase money to cover the amount of taxes due and unpaid until such time as the former owner shall produce a receipt from the Comptroller showing that the taxes have been paid or a certificate that no taxes are due. If the purchaser of a business or stock of goods shall fail to withhold purchase money as above provided, and the taxes shall be due and unpaid after thirty days, he shall be personally liable for the payment of the taxes accrued and unpaid on account of the operation of the business by the former owner.

Sec. 13. Any person improperly

charged with any tax and required to pay the same may recover the amount paid, together with legal interest in a suit against the Comptroller in any court of competent jurisdiction in Travis County and permission is hereby granted any such taxpayer to file such a suit. It shall not be necessary for the taxpayer to protest the payment of the tax or to make demand for a refund thereof in order to maintain such suit. In any suit to recover taxes paid or to collect taxes the court shall adjudge cost to such extent and in such manner as may be deemed equitable. Either party to such suit shall have the right of appeal in accordance with the laws governing appeals in other civil cases. In the event a final judgment is rendered in favor of the taxpayer in a suit to recover illegal taxes, then it shall be the duty of the State Treasurer upon receipt of a certified copy of such final judgment, to pay such judgment, interest and costs.

Sec. 14. No injunction shall be awarded by any court or judge to restrain in the collection of the taxes imposed by this Act or to restrain the enforcement of the same, unless the application be filed in the district court of Travis County accompanied by a bond, approved by the judge in double the amount of the tax.

Sec. 15. It shall be the duty of the Attorney General to represent the Comptroller and other officers charged with the enforcement of this tax and the execution of the provisions of this entire Act in any litigation arising hereunder.

Sec. 16. Any tax due and unpaid shall constitute a debt to the State of Texas and may be collected by a suit in any court of competent jurisdiction in Travis County, Texas, or in the county of the taxpayer's residence, at the option of the Comptroller, which remedy shall be in addition to all other existing remedies. Any such unpaid tax shall constitute a lien upon all of the property of the taxpayer subject to execution. All unpaid taxes shall bear interest at the rate of one-half of one per cent ( $\frac{1}{2}\%$ ) per month if paid not later than thirty days after due date. Taxes past due more than thirty days shall bear interest at the rate of ten per cent (10%) per annum. The lien herein provided for taxes shall also

secure all penalties and interest due by any taxpayer.

Sec. 17. Whenever any person shall fail and refuse to make the returns and pay the taxes as herein provided it shall be the duty of the Comptroller to certify such fact to the Attorney General who shall bring suit in a district court of Travis County, Texas, for an injunction to restrain the person so delinquent from further engaging in business until he shall have paid such taxes as he may be found to owe. The assessment of taxes herein made, and the returns thereof herein required, shall be for the calendar year beginning January first and ending December 31st. However, if any taxpayer in transacting his business keeps the books reflecting the same on a basis other than the calendar year, he may with the consent of the Comptroller, make his annual returns and pay taxes for the year covering his accounting period as shown by the method of keeping the books of his business.

Sec. 18. No city or other political subdivision of the State, by virtue of its taxing power, police power, or otherwise, shall impose an occupation tax or charge of any sort, whether measured by gross receipts or otherwise, for the privilege of doing business, upon any person engaged in a business in which the cash gross receipts from sales are taxed under this Act, provided that this provision shall not limit the right of any city to collect any special taxes which are now or may hereafter be provided for in a franchise, or which are payable under any agreement now in existence or hereafter made between a city and a holder of a franchise.

Sec. 19. All remittances of taxes imposed by this Act shall be made to the Comptroller by bank draft, check, cashier's check, money order or in cash. The Comptroller shall issue his receipt for all remittances when requested. However, no remittances other than cash shall be a final discharge of liability for the tax herein assessed and levied unless and until it has actually been paid in cash to the Comptroller or State Treasurer.

Sec. 20. At the end of each month the State Auditor shall carefully check the books and records of the Comp-

troller relating to the taxes herein levied and collected, and shall verify the amounts paid or to be paid into the State Treasury.

Sec. 21. The Comptroller shall keep full and accurate record of all money received by him and how disbursed. He shall preserve for a period of three years all returns filed with him.

Sec. 22. Neither the Comptroller nor any of his office assistants or agents shall divulge the gross income or gross proceeds of any person or the amount of tax paid by any person as shown by the returns filed under this Act, except in some judicial proceeding to which the State is a party. The Comptroller, however, may impart such information as may be necessary to the Governor or to the Attorney General or to any other officer of the State charged with the enforcement of the provisions of this Act.

Sec. 23. The Secretary of State shall withhold the issuance of any certificate of dissolution or withdrawal of any corporation until a receipt of a notice from the Comptroller to the effect that all taxes levied under this Act have been paid, if any such corporation is a taxpayer under the terms of this Act, or until he shall be notified by the Comptroller that the applicant for such certificate is not subject to pay a tax hereunder.

Sec. 24. It shall be unlawful for any person to fail or refuse to make any return provided for in this Act, or to make any false or fraudulent return or false statement in any return with the intent to defraud the State, or to avoid the payment of the tax or any part thereof; and it shall be unlawful for any person to aid or abet another in any attempt to evade the payment of any tax.

Sec. 25. Any person violating any of the provisions of the foregoing Sections shall be guilty of a felony and upon conviction shall be punished by confinement in the penitentiary not less than one nor more than five years.

Sec. 26. It shall be the duty of the Comptroller to enforce and administer all of the provisions of this Act relating to tax returns and the ascertainment, assessment and collection of the taxes imposed hereunder, and it shall be the duty of the Attorney General and of every county and district attorney in this State to as-

sist the Comptroller in the enforcement of this Act when called upon so to do.

Sec. 27. The Comptroller shall, from time to time, promulgate such rules and regulations not inconsistent with this Act for the making of returns and for the ascertainment, assessment and collection of the tax imposed hereunder as he may deem necessary; and upon request the Comptroller shall furnish any taxpayer with a copy of such rules and regulations. The Comptroller shall likewise cause forms to be printed for the making of returns and remittances and shall furnish the same to taxpayers upon request.

Sec. 28. The Comptroller shall appoint, as needed, such assistants, clerks and stenographers as may be required to administer the provisions of this Act. The such assistant or clerk shall execute a bond in the sum of Five Thousand (\$5,000) Dollars for the faithful performance of his duties. The salaries of such assistants, clerks and stenographers shall be paid out of the special fund hereinafter created. All such assistants, stenographers and clerks shall serve at the pleasure of the Comptroller.

Sec. 29. The Comptroller or his authorized representative may examine any books, papers, records, or any other data belonging to or in the possession of any taxpayer, bearing upon any return made by such taxpayer, or for the purpose of making a return where none has been made, and may require the attendance of any person as a witness and may take his testimony with respect thereto, with power to administer oaths to such person or persons. If any person summoned as a witness shall fail to obey any summons to appear before the Comptroller or his authorized assistant, or shall refuse to testify or answer any material question or to produce any book, record, paper or other data when required to do so, such failure or refusal shall be reported to the Attorney General or to the county or district attorney of the county in which such person is summoned to testify, who shall thereupon apply to the Judge of the District Court of such county, upon proof by affidavit of the fact, for a rule or order returnable in not less than two nor more than five days directing such witness to show cause before the Judge who made the order, or any other

district judge of said County, why he should not be punished for contempt. Upon the return of such order the judge before whom the matter shall come up for hearing shall examine under oath such witness or person and such person shall be given an opportunity to be heard. If the judge shall determine that such person has refused, without reasonable cause or legal excuse to answer such summons, or to be examined or answer a legal and pertinent question, or to produce a book, record or paper or any other data which he has been ordered to bring or produce, he may forthwith punish the offender as for contempt of court. Subpoenas shall be served and witness fees and mileage paid as in civil cases in the district court in the county to which such witness shall be called. Witnesses subpoenaed at the instance of the Comptroller and his representatives shall be paid their fees and mileage by the Comptroller out of the special fund hereinafter created.

Sec. 30. There is hereby created a special fund known as the "Gross Receipts Tax Enforcement Fund." One-tenth of one per cent (1/10%) of all monies collected under the provisions of this Act, or so much thereof as may be necessary, shall be applied by the Comptroller to such Enforcement Fund and shall be used to carry out the enforcement of this Act. All assistants, clerks and stenographers hired in connection with the enforcement hereof shall be paid out of said fund and all expenses, witness fees and officers fees shall be paid out of said funds.

Sec. 31 (a) Each person who owns, controls, manages, leases or operates, any sulphur mine, or mines, well or shafts, or who produces sulphur by any method, system, or manner within this State shall pay a severance tax of thirty-three and one-third (33 1/3) cents per long ton, or fraction thereof, of all sulphur so produced within the State.

(b) A severance tax equivalent to three-fourths of one (1%) per cent of the market value of the total amount of gas produced and saved within this State is hereby levied.

(c) There is hereby levied a severance tax on all oil produced within this State of one (1%) per cent per barrel of forty-two (42) standard gallons, said tax shall be computed upon the total barrels of oil produced or

salvaged from the earth or waters of this State without any deductions; provided, however, that the severance tax herein levied on oil shall be one (1%) per cent of the market value of said oil whenever the market value thereof is in excess of One (\$1) Dollar per barrel of forty-two (42) standard gallons.

(d) Severance taxes herein imposed shall be paid to the Comptroller of this State; said taxes shall be the liability of the producer and such taxes shall be borne ratably by all interested parties including royalty owners. The provisions of the existing law providing for severance taxes on oil, gas and sulphur with reference to paying such taxes, the records to be kept and reports to be made in regard thereto, and all other administrative provisions of said law, shall apply and be followed in the enforcement and collection of the severance taxes herein levied.

Sec. 32. The taxes herein levied are in addition to all other taxes now imposed by law.

Sec. 33. All revenues received by the Comptroller under this Act shall be paid into the State Treasury on the first day of each month. The State Treasurer shall place one-fourth (1/4) of said revenues to the credit of the Available School Fund, and three-fourths (3/4) shall be placed in a fund to be designated as the Social Security Fund, out of which the Legislature shall make appropriations, as follows: Such sums as are necessary to meet the obligations of the State in providing its share of the funds for Teachers Retirement, Destitute Children, and needy blind. The balance remaining in said Social Security Fund shall be used exclusively for the payment of Old Age Assistance.

Sec. 34. If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act.

HARDIN,  
MORRIS,  
LEHMAN,  
FIELDEN.

Mr. Corry moved to table the substitute amendment by Mr. Hardin.

Mr. Mays raised a point of order, on further consideration of the substitute amendment by Mr. Hardin, on the ground that the amendment is not germane to the caption of the bill.

The Chair overruled the point of order.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table the amendment by Mr. Hardin was lost by the following vote:

## Yeas—45

Baker	Mays
of Fort Bend	McAlister
Blankenship	McNamara
Bradford	Monkhouse
Bridgers	Montgomery
Brown, of Cherokee	Pope
Burney	Ragsdale
Cauthorn	Reader of Bexar
Cockrell	Reed
Corry	Russell
Daniel	Smith of Frio
Davis of Upshur	Smith
Dickison	of Matagorda
Dickson	Stinson
Felty	Talbert
Galbreath	Tennant
Gordon, Mrs.	Turner
Hardeman	Vint
Heflin	Waggoner
Howington	Wilson
Isaacks	Winfree
Kinard	Wood
King	Wright
Langdon	

## Nays—93

Allen	Ferguson
Allison	Fielden
Alsup	Fuchs
Bailey	Gilmer
Baker of Grayson	Goodman
Bell	Hale
Bond	Hamilton
Boyd	Hankamer
Boyer	Hardin
Bradbury	Harp
Bray	Harper
Broadfoot	Harrell of Bastrop
Brown	Harrell of Lamar
of Nacogdoches	Harris
Bundy	Hartzog
Burkett	Holland
Celaya	Hull
Chambers	Hunt
Clark	Johnson of Ellis
Cleveland	Johnson of Tarrant
Coleman	Kennedy
Colson, Mrs.	Kern
Cornett	Kerr
Crossley	Kersey
Davis of Jasper	Lehman
Dean	Leonard
Derden	Leyendecker
Donaghey	Little
Dwyer	Lock
Faulkner	Loggins

London	Roberts
McDonald	Robinson
McFarland	Schuenemann
McMurry	Shell
Mohrmann	Skiles
Morris	Smith of Hopkins
Newell	Spencer
Nicholson	Stoll
Oliver	Tarwater
Pace	Taylor
Pevehouse	Thornberry
Piner	Vale
Reader of Erath	Voigt
Reaves	Weldon
Rhodes	Westbrook
Riviere	White
Roach	Worley

## Absent

Colquitt	Segrist
Howard	Thornton
McDaniel	

## Absent—Excused

Anderson	Petsch
Dowell	Wells
Keith	

Question then recurring on the substitute amendment by Mr. Hardin, yeas and nays were demanded.

The substitute amendment was adopted by the following vote:

## Yeas—90

Allen	Dwyer
Allison	Faulkner
Alsup	Ferguson
Bailey	Fielden
Baker of Grayson	Fuchs
Bell	Gilmer
Bond	Goodman
Boyd	Hale
Boyer	Hamilton
Bradbury	Hankamer
Bray	Hardin
Broadfoot	Harp
Brown	Harper
of Nacogdoches	Harrell of Bastrop
Bundy	Harrell of Lamar
Burkett	Harris
Celaya	Heflin
Chambers	Holland
Clark	Howington
Cleveland	Hull
Coleman	Hunt
Colson, Mrs.	Johnson of Ellis
Cornett	Johnson of Tarrant
Corry	Kennedy
Crossley	Kern
Davis of Jasper	Kersey
Dean	Kinard
Derden	Lehman
Donaghey	Leonard

Leyendecker	Riviere
Little	Roach
Loggins	Roberts
London	Schuenemann
McDonald	Shell
McFarland	Skiles
McMurry	Smith of Hopkins
Mohrmann	Spencer
Morris	Stoll
Nicholson	Taylor
Oliver	Thornberry
Pace	Vale
Pevehouse	Weldon
Piner	Westbrook
Reader of Erath	White
Reaves	Worley
Rhodes	

## Nays—47

Baker	Monkhouse
of Fort Bend	Montgomery
Blankenship	Newell
Bradford	Pope
Bridgers	Ragsdale
Brown of Cherokee	Reader of Bexar
Burney	Reed
Cauthorn	Robinson
Cockrell	Russell
Daniel	Smith of Frio
Davis of Upshur	Smith
Dickison	of Matagorda
Dickson	Stinson
Felty	Talbert
Galbreath	Tarwater
Gordon, Mrs.	Tennant
Hardeman	Turner
Hartzog	Vint
Kerr	Voigt
King	Waggoner
Langdon	Wilson
Lock	Winfree
Mays	Wood
McAlister	Wright
McNamara	

## Absent

Colquitt	McDaniel
Howard	Segrist
Isaacks	Thornton

## Absent—Excused

Anderson	Petsch
Dowell	Wells
Keith	

Mr. Hardin moved to reconsider the vote by which the substitute amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

## REASON FOR VOTE

I voted for the Hardin substitute in preference over the Langdon sub-

stitute. The Hardin bill had a higher tax on natural resources than the bill by Langdon, Mays and others. This bill exempted gross receipts up to \$25,000 and is a protection for the already over taxed small business man and merchant. I'm for old age pensions and had to take a choice of the two substitutes.

## WHITE.

Mr. Langdon offered the following substitute for the committee amendment, as substituted:

Amend House Bill No. 908 by striking out all after the enacting clause, and substituting therefor, the following:

Section 1. In order to provide revenue for the purposes set out in this Act taxes to be known and designated as Social Security Taxes are hereby levied upon transactions, services, activities and natural resources, as follows:

"Sec. 1-a. That Article 7117, Revised Civil Statutes of the State of Texas, 1925, (Acts Thirty-eighth Legislature, Second Called Session, Chapter 29, page 63, Section 2) as amended, Acts, 1929, Forty-first Legislature, First Called Session, page 109, Chapter 50, be and the same is hereby amended so as to hereafter read, as follows:

"Article 7117. All property within the jurisdiction of this State, real or personal, corporate or incorporate, and any interest therein, including property passing by virtue of the exercise of power of appointment, including all life insurance made payable to a named beneficiary or beneficiaries in excess of \$40,000.00, whether belonging to inhabitants of this State or to persons who are not inhabitants, regardless of whether such property is located within or without this State, which shall pass absolutely or in trust by will or by the laws of descent or distribution of this or any other State, or by deed grant, sale or gift made or intended to take effect in possession or enjoyment after the death of the grantor or donor, shall, upon passing to or for the use of any person, corporation or association, be subject to a tax to be allocated in other Sections of this bill, in accordance with the following classification. Any transfer made by a grantor, vendor or donor, whether by deed, grant, sale, or gift, shall, unless shown to the contrary be deemed to have been made

in contemplation of death and subject to the same tax as herein provided, if such transfer is made within two years prior to the death of the grantor, vendor, or donor, of a material part of his estate, or if the transfer made within such period is in the nature of a final distribution of property and without adequate valuable consideration."

Sec. 1-b. That Article 7118, Revised Civil Statutes of the State of Texas, 1925, as amended, Acts, 1935, Forty-fourth Legislature, Chapter 356, page 922, paragraph 1, be, and the same is hereby amended so as to hereafter read as follows:

"Article 7118, Class A. Rate of Tax. If passing to or for the use of husband or wife, or any direct lineal descendant of husband or wife, or ascendant of the decedent, or to legally adopted child or children, or any direct lineal descendant of legally adopted child or children, or to the husband of a daughter or the wife of a son, the tax shall be one per cent on any value in excess of Ten Thousand Dollars, and not exceeding Twenty-five Thousand Dollars; two per cent on any value in excess of Twenty-five Thousand Dollars, and not exceeding Fifty Thousand Dollars; three per cent on any value in excess of Fifty Thousand Dollars, and not exceeding One Hundred Thousand Dollars; four per cent on any value in excess of One Hundred Thousand Dollars, and not exceeding Two Hundred Thousand Dollars, and five per cent on any value in excess of Two Hundred Thousand Dollars, and not exceeding Four Hundred Thousand Dollars; six per cent on any value in excess of Four Hundred Thousand Dollars, and not exceeding Seven Hundred Thousand Dollars; seven per cent on any value in excess of Seven Hundred Thousand Dollars, and not exceeding One Million Dollars; and eight per cent on any value in excess of One Million Dollars."

Section 1-c. That Article 7119, Revised Civil Statutes of the State of Texas, 1925, as amended, Acts, 1927, Fortieth Legislature, Chapter 62, page 87, Section 1, be and the same is hereby amended so as to hereafter read as follows:

"Article 7119, Class B. Rate of Tax. If passing to a religious, educational or charitable organization located within the State and the bequest

is to be used within this State, shall be exempt from the payment of a tax under this law.

"If passing to any city, town or county within the State, or to the State of Texas, or to the United States to be used in this State, the tax shall be one per cent on any value in excess of ten thousand dollars, and not exceeding twenty-five thousand dollars; two per cent on any value in excess of twenty-five thousand dollars, and not exceeding fifty thousand dollars; three per cent on any value in excess of fifty thousand dollars, and not exceeding one hundred thousand dollars; four per cent on any value in excess of one hundred thousand dollars, and not exceeding two hundred thousand dollars; five per cent on any value in excess of two hundred thousand dollars, and not exceeding four hundred thousand dollars; six per cent on any value in excess of four hundred thousand dollars, and not exceeding seven hundred thousand dollars; seven per cent on any value in excess of seven hundred thousand dollars, and not exceeding one million dollars; and eight per cent on any value in excess of one million dollars."

Sec. 1-d. That Article 7120, Revised Civil Statutes of the State of Texas, 1925, be and the same is hereby amended so as to hereafter read as follows:

"Article 7120, Class C. Rate of Tax. If passing to or for the use of a brother or sister, or direct lineal descendant of a brother or sister, of the decedent, the tax shall be three per cent on any value in excess of five thousand dollars, and not exceeding ten thousand dollars; four per cent on any value in excess of ten thousand dollars, and not exceeding twenty-five thousand dollars; five per cent on any value in excess of twenty-five thousand dollars and not exceeding fifty thousand dollars; six per cent on any value in excess of fifty thousand dollars, and not exceeding one hundred thousand dollars; seven per cent on any value in excess of one hundred thousand dollars, and not exceeding two hundred and fifty thousand dollars; eight per cent on any value in excess of two hundred and fifty thousand dollars, and not exceeding five hundred thousand dollars; ten per cent on any value in excess of five hundred thousand



dollars, and not exceeding one million dollars; and twelve per cent on any value in excess of one million dollars."

Sec. 1-e. Article 7121, Revised Civil Statutes of the State of Texas, 1925, be and the same is hereby amended so as to hereafter read as follows:

"Article 7121, Class D. Rate of Tax. If passing to or for the use of an uncle or aunt, or a direct lineal descendant of an uncle or aunt of the decedent, the tax shall be four per cent on any value in excess of one thousand dollars, and not exceeding five thousand dollars; five per cent on any value in excess of five thousand dollars, and not exceeding ten thousand dollars; six per cent on any value in excess of ten thousand dollars, and not exceeding twenty-five thousand dollars; seven per cent on any value in excess of twenty-five thousand dollars, and not exceeding fifty thousand dollars; eight per cent on any value in excess of fifty thousand dollars, and not exceeding one hundred thousand dollars; ten per cent on any value in excess of one hundred thousand dollars, and not exceeding two hundred and fifty thousand dollars; twelve per cent on any value in excess of two hundred and fifty thousand dollars, and not exceeding five hundred thousand dollars; fourteen per cent on any value in excess of five hundred thousand dollars, and not exceeding one million dollars; and sixteen per cent on any value in excess of one million dollars."

Sec. 1-f. Article 6122, Revised Civil Statutes of the State of Texas, 1925, as amended, Acts 1927, Fortieth Legislature, Chapter 62, page 87, Acts, 1931, Forty-second Legislature, Chapter 72, page 109, Acts 1933, Forty-third Legislature, Chapter 192, page 581, Section 2-b, Subsection 20, be and the same is hereby amended so as to hereafter read as follows:

"Article 7122, Class E. Rate of Tax. If passing to or for the use of the United States, to or for the use of any other person or religious, educational or charitable organization or institution, or to any other person, corporation or association not included in any of the classes mentioned in the preceding portions of the original Act known as Chapter 29 of the General Laws of the Second Called Session of the Thirty-eighth Legisla-

ture, the tax shall be: Five per cent on any value in excess of five hundred dollars, and not exceeding five thousand dollars; six per cent on any value in excess of five thousand dollars and not exceeding ten thousand dollars; seven per cent on any value in excess of ten thousand dollars, and not exceeding twenty-five thousand dollars; eight per cent on any value in excess of twenty-five thousand dollars, and not exceeding fifty thousand dollars; ten per cent on any value in excess of fifty thousand dollars, and not exceeding one hundred thousand dollars; twelve per cent on any value in excess of one hundred thousand dollars, and not exceeding two hundred and fifty thousand dollars; fifteen per cent on any value in excess of two hundred and fifty thousand Dollars, and not exceeding Five Hundred Thousand Dollars; eighteen per cent on any value in excess of Five Hundred Thousand Dollars, and not exceeding One Million Dollars; and twenty-four per cent on any value in excess of One Million Dollars."

2. There is hereby levied a tax on all outdoor and billboard advertising in amounts equal to two (2%) per cent of the amount charged and collected for such advertising.

3. There is hereby levied a tax of One (\$1.00) Dollar per One Hundred (\$100.00) Dollars upon all New York and/or Chicago Stock Exchange deals, sales, and/or trades made within the boundaries of the State of Texas.

4. There is hereby levied a tax upon the transfer of stocks and bonds, other than New York and/or Chicago Stock Exchange stocks and/or bonds an amount equal to one-half of one ( $\frac{1}{2}$  of 1%) per cent of the gross value of the transfer.

5. (a) There is hereby levied upon all charges for admission to places of amusement, entertainment and athletic contests a tax of One (1c) Cent for each Fifty (50c) cents or fractional part thereof of the admission price in excess of Fifty (50c) cents.

(b) There is hereby levied a tax on moving picture films, which tax shall be two (2%) per cent of the royalty charged or would be charged any theatre using same. Companies owning films and shows both shall pay tax the same as independent theatres, tax to be paid by distributing agent or company owning films.

6. There is hereby levied a tax of one-half of one ( $\frac{1}{2}$  of 1%) per cent upon all commercial paper used in financing of any kind of contract on which interest is charged, provided no check or drafts of an amount less than Five Hundred (\$500.00) Dollars shall be included in this tax.

7. Every person, agent, receiver, trustee, firm, corporation, association or copartnership opening, establishing, operating or maintaining one or more cafes, cafeterias, or eating establishments within this State, under the same general management or ownership, shall pay the same license fee as prescribed for the privilege of opening, establishing, operating or maintaining a store or merchantile establishment under House Bill 18, First Called Session of the Forty-fourth Legislature.

8. There is hereby levied upon the sale of gravel, sand, shell, and crushed rock the sum of One-half ( $\frac{1}{2}$ c) cent per yard.

9. There is hereby levied upon the salable price of all clay and clay products an amount equal to two (2%) per cent of the salable value of such clay or clay products.

10. There is hereby levied upon the occupation of creosoting timber the sum of two (2%) per cent of the amount charged for such creosoting.

11. There is hereby levied upon the production of gypsum an amount equal to two (2%) per cent of the wholesale salable value of such production.

12. There is hereby levied upon the sale of rock and/or natural asphalt the sum of two (2%) per cent of the wholesale salable value.

13. There is hereby levied upon the production of salt the sum of Twenty-five (25c) per ton.

14. There is hereby levied a tax upon the sale of pine and/or hardwood timber cut for lumber, piling, and pulp-wood purposes the sum of Twenty-five (25c) cents per 1,000 board feet at the stump at the time of the cutting. This tax shall be paid by the person or persons cutting such timber.

15. There is hereby levied upon building stone and/or granite a sum equal to two (2%) per cent of the wholesale salable value of such building stone or granite.

16. There is hereby levied upon the production of fullers earth an

amount equal to two (2%) per cent of the wholesale salable value of such fullers earth.

17. There is hereby levied upon the manufacture of carbon black a twenty-five (25%) per cent increase in the taxes already imposed by law.

18. There is hereby levied upon the manufacture and/or use of cement and mortar, for use in construction, in addition to the taxes already imposed by law a tax of one and one-fourth ( $1\frac{1}{4}$ c) cents per barrel; to be paid by the producer, if produced in Texas, and by the wholesaler if shipped in from another State or country.

19. There is hereby levied upon itinerant vendors who use a commercial motor vehicle for the purpose of peddling goods, wares and merchandise and who have no established place of business and who attempt to sell goods, wares and merchandise in any county other than the county of his business or where his established place is located, a tax on each truck or vehicle of Fifty (\$50.00) Dollars, and failure to pay such tax and have a receipt issued by the Comptroller's Department of Texas, shall subject the owner of the said vehicle or truck to a fine of not less than Two Hundred (\$200.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each vehicle so operated.

20. There is hereby levied a use tax on every commercial motor vehicle to be used on the highways of Texas or which is used on the highways of Texas, a tax in amounts equal to Two (\$2.00) Dollars per vehicle per year.

21. A tax of fifty (50c) cents per thousand on cigarettes weighing not more than three (3) pounds per thousand and One Dollar and Twenty Cents (\$1.20) per thousand on those weighing more than three (3) pounds per thousand is hereby imposed on all cigarettes used or otherwise disposed of in this State for any purpose whatsoever. The said tax shall be paid only once by the person making the first sale in this State, and shall become due and payable as soon as such cigarettes are subject to a first sale in Texas, it being intended to impose the tax as soon as such cigarettes are received by any person in Texas for the purpose of making a first sale of same.

This tax is in addition to any tax now levied against cigarettes in

Texas, but is to be collected in the same manner and under the same law as provided for the levying and collection of cigarette tax now in force.

22. There is hereby levied a tax upon cigars in the amount of ten (10c) per box of twenty-five each.

23. There is hereby levied upon the sale of beer or ale, a tax of twenty (20c) cents per case or per each 288 ounces.

24. There is hereby levied upon the sale of Coca-Cola and all forms of soda water whether flavored or unflavored and whether classified as gingerale, mixers, clubsoda or other descriptive names, a tax of ten (10c) cents per case of twenty-four (24) bottles. There is hereby levied upon the sale of syrup for the mixing of Coca-Cola or other soft drinks a tax of twenty (20c) cents per gallon of syrup.

25. There is hereby levied a tax on domino tables used in public places of amusement an amount equal to Ten (\$10.00) Dollars per table per year.

26. There is hereby levied upon all sales of service to telephone subscribers and to others through equipment of telephone subscribers for the transmission of messages and conversations, both local and long distance and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto in this State a tax of two (2%) per cent of the sale price of such service.

27. There is hereby levied upon every sale in this State of electric energy and gas, whether natural or artificial, by private utilities, municipalities and governmental agencies, except on sales for industrial purposes, a tax of two (2%) per cent of the sale price of such electric energy or gas.

28. There is hereby levied upon oil produced within this State the sum of three-fourths of one ( $3/4$  of 1c) cent per barrel of forty-two (42) standard gallons. The tax to be computed upon the total barrels of oil produced or salvaged from the earth or waters of this State, without any deductions; provided however, that the tax levied by this Act shall not apply to oil which is produced from wells in this State producing six barrels or less per day of twenty-four (24) hours. Such tax shall be in addition to taxes already imposed by law upon the production of oil within this State.

29. There is hereby levied upon the production of gas within this State in addition to the taxes already imposed by law an amount equal to one-fifth of one ( $1/5$  of 1c) cent per 1000 cubic feet of the total amount of gas so produced within this State.

30. There is hereby levied upon the production of sulphur in this State in addition to the taxes already imposed by law, a tax of thirty-four (34c) cents per ton or fraction thereof of all such sulphur so produced.

31. There is hereby levied upon the manufacture and/or use of lime, in addition to the taxes already imposed by law, a tax of one and one-fourth ( $1\frac{1}{4}$ c) cents per barrel; to be paid by the producer if produced in Texas and by the wholesaler if shipped in from another State or country.

32. There is hereby levied upon the production of barite, basalt, graphite, marble, and natural sodium compounds an amount equal to two (2%) per cent of the wholesale salable value of such barite, basalt, graphite, marble, and natural sodium compounds.

Sec. 2. All taxes levied and provided for herein are subject to any allocation of taxes made by the Constitution of this State, and such allocation shall be made before the allocations hereinafter provided for by this Act.

Sec. 3. The Comptroller of Public Accounts of this State shall collect all taxes levied herein and pay the same to the State Treasurer and the State Treasurer shall open and maintain in his office four (4) special funds, as follows:

- a. Destitute Children's Assistance Fund;
- b. Teachers' Retirement Fund;
- c. Texas Old Age Assistance Fund;
- d. Needy Blind Assistance Fund.

All the proceeds of the taxes herein levied, save and except the allocations made by the Constitution of this State, of taxes herein levied shall be received by the State Treasurer from the Comptroller of Public Accounts and credited to the Texas Old Age Assistance Fund.

Sec. 4. After the effective date of this Act the State Treasurer shall transfer from the Texas Old Age Assistance Fund to the Destitute Children's Assistance Fund the sum of

One Million, Five Hundred Thousand (\$1,500,000.00) Dollars to meet the obligations of this State as authorized by Section 51d of Art. III of the Constitution of this State and annually thereafter said Treasurer shall, during the first six months of each year, transfer from said Texas Old Age Assistance Fund to said Destitute Children's Assistance Fund such an amount not to exceed One Million, Five Hundred Thousand (\$1,500,000.00) Dollars as may be necessary, together with any monies or funds remaining in such Destitute Children's Assistance Fund to meet legislative appropriations authorized for such purposes. Such funds or so much thereof as may be necessary shall be used exclusively for the payment of assistance to destitute children and the State's portion of the cost of administering said fund.

Sec. 5. After the effective date of this Act, the State Treasurer shall transfer from the Texas Old Age Assistance Fund to the Teachers' Retirement Fund an amount adequate to meet obligations of this State as provided for in Section 48a of Art. III of the Constitution of this State, and annually thereafter said State Treasurer shall during the first six months of each year transfer from said Texas Old Age Assistance Fund to said Teachers' Retirement Fund such amount as may be necessary to meet the obligations of this State as provided for in Section 48a of Article III of the Constitution of this State. Such funds, or so much thereof as may be necessary, shall be used exclusively for the payment of Teachers' Retirement Benefits and the State's portion of the cost of administering such fund. It is provided, however, that during the calendar year 1942 the State Treasurer shall transfer from the Old Age Assistance Fund to the Teachers' Retirement Fund an additional amount equivalent to one-fifth of the undischarged obligations of the state to the Teachers' Retirement Fund which has accumulated prior to the effective date of this Act and during each of the succeeding four years a like amount shall be transferred to the Teachers' Retirement Fund.

Sec. 6. After the effective date of this Act, the State Treasurer shall transfer from the Texas Old Age Assistance Fund to the said Needy Blind Assistance Fund an amount

adequate to meet obligations of this state provided for in Section 51c of Article III of the Constitution of this state, and annually thereafter the State Treasurer shall during the first six months of each year transfer from said Texas Old Age Assistance Fund to said Needy Blind Assistance Fund such an amount as may be necessary to meet the obligations of the state as provided for in Section 51c of Article III of the Constitution of this state. Such funds, or so much thereof as may be necessary, shall be used exclusively for the payment of Needy Blind Benefits and the states portion of the cost of administering such funds.

Sec. 7. The Comptroller of Public Accounts of this state shall establish regulations and provisions necessary to the proper collection of the revenues provided in this Act, and is hereby vested with the authority and powers to do the same. And it is further provided that no dual collection of any tax provided in this Act shall be made.

Sec. 8. If, after the State Treasurer has transferred and credited to the Destitute Children's Assistance Fund, the Teachers' Retirement Fund and the Needy Blind Fund the respective amounts required to be transferred and credited to such respective funds, it appears that the revenue remaining will not be adequate to pay in full all grants made to recipients of Old Age Assistance, then and in that event the revenue remaining shall be paid pro rata to such recipients of Old Age Assistance based on the amount granted to each recipient and neither the state or any of its agencies shall be liable in any way to recipient for any deficit. The provisions hereof providing for Old Age Assistance shall not be construed as a vested right of the recipients of Old Age Assistance.

Sec. 9. Any surplus remaining from the taxes levied herein after the allocation and payment of assistance as herein provided shall be allocated to and applied on the retirement of the General Fund deficit of this state.

Sec. 10. The taxes levied in this Act shall become effective September 1st, 1939.

Sec. 11. No city or other political subdivision of the state by virtue of its taxing power, police power or

otherwise shall impose an occupation tax or charge of any sort whether measured by gross receipts or otherwise for the privilege of doing business upon any person engaged in a business in which the sales or service transactions are taxed under this Act. Nothing herein provided however shall limit the right of any city to collect any special taxes which are now or may hereafter be provided for in its franchise or which are payable under any agreement now in existence or hereafter made between the city and the holder of a franchise; nor shall any city or county be denied the right to levy such occupation taxes as are now authorized under the Constitution on peddlers, itinerant merchants, pawn brokers, places of amusement and athletic contests and as may hereafter be permitted or provided by law on the heretofore named occupations.

Sec. 12. (a). All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed to the extent of such conflict.

(b) If any part or parts of this Act shall be held to be unconstitutional such unconstitutionality shall not affect the validity of the remaining portions or parts hereof.

LANGDON,  
MAYS,  
KING,  
CORY,  
TARWATER,  
ISAACKS,  
HOLLAND.  
FERGUSON,  
RUSSELL.

Mr. Hardin moved to table the substitute amendment by Mr. Langdon.

Question—Shall the motion to table the substitute amendment by Mr. Langdon prevail?

#### HOUSE CONCURRENT RESOLUTION NO. 44 WITH SENATE AMENDMENTS

Mr. Stinson called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. C. R. No. 44, To grant permission to sue the State.

On motion of Mr. Stinson, the House concurred in the Senate amendments, by the following vote:

Yeas—132

Allison	Isaacks
Alsup	Johnson of Ellis
Bailey	Johnson of Tarrant
Baker	Kennedy
of Fort Bend	Kern
Baker of Grayson	Kerr
Bell	Kersey
Blankenship	Kinard
Bond	King
Boyd	Langdon
Boyer	Lehman
Bradbury	Leonard
Bradford	Leyendecker
Bray	Little
Bridgers	Lock
Broadfoot	Loggins
Brown of Cherokee	London
Brown	Mays
of Nacogdoches	McAlister
Bundy	McDaniel
Burkett	McDonald
Burney	McFarland
Cauthorn	McMurry
Chambers	McNamara
Clark	Mohrmann
Cleveland	Monkhouse
Cockrell	Montgomery
Coleman	Morris
Colson, Mrs.	Newell
Cornett	Nicholson
Crossley	Oliver
Daniel	Pace
Davis of Jasper	Pevehouse
Davis of Upshur	Piner
Dean	Pope
Derden	Ragsdale
Dickson	Reader of Bexar
Donaghey	Reader of Erath
Dwyer	Reaves
Faulkner	Reed
Felty	Rhodes
Ferguson	Riviere
Fielden	Roach
Fuchs	Roberts
Galbreath	Robinson
Gordon, Mrs.	Russell
Hale	Schuenemann
Hamilton	Shell
Hankamer	Skiles
Hardeman	Smith of Frio
Hardin	Smith of Hopkins
Harp	Smith
Harper	of Matagorda
Harrell of Bastrop	Spencer
Harrell of Lamar	Stinson
Harris	Talbert
Hartzog	Tarwater
Heflin	Taylor
Holland	Tennant
Howard	Thornberry
Howington	Turner
Hull	Vale
Hunt	Vint

Voigt	Winfree
Waggoner	Wood
Weldon	Worley
White	Wright
Wilson	

Nays—2

Allen	Stoll
-------	-------

Absent

Celaya	Goodman
Colquitt	Segrist
Corry	Thornton
Dickison	Westbrook
Gilmer	

Absent—Excused

Anderson	Petsch
Dowell	Wells
Keith	

#### PROVIDING ADDITIONAL EXPENSES FOR MEMBERS

Mr. Alsop offered the following resolution:

H. S. R. No. 224, Providing additional expenses for Members of the House.

Whereas, Certain Members of the House have expended the One Hundred and Seventy-five (\$175.00) Dollars allotted to them by the House for the purpose of carrying on their legislative duties; and

Whereas, It is necessary that they be allowed an additional amount in order to complete their work for this Session of the Legislature; now, therefore, be it

Resolved, by the House of Representatives, That an additional Twenty-five (\$25.00) Dollars be allowed to Members in addition to the One Hundred and Seventy-five Dollars (\$175.00) which has heretofore been granted, provided, however, that the Committee on Contingent Expense is authorized either to allow or to disapprove to any Member this additional Twenty-five (\$25.00) Dollars or any part thereof, and that the Committee on Contingent Expense be given full authority to use its discretion in releasing this additional amount to the Members.

The resolution was read second time.

Mr. Galbreath moved to table the resolution.

The motion to table was lost.

Question then recurring on the resolution, it was adopted.

#### ADDRESS BY HONORABLE LYNN LANDRUM

Mr. Goodman offered the following resolution:

H. S. R. No. 223, Inviting Hon. Lynn Landrum to address the House.

Whereas, The Hon. Lynn Landrum, one of the outstanding newspaper men in Texas, is a visitor in the Capitol today; and

Whereas, Mr. Landrum is the author of a column entitled "Thinking Out Loud," which appears in the Dallas News, and which is read daily by many Members of the House of Representatives, and greatly enjoyed; now therefore, be it

Resolved, That Mr. Landrum be invited to address the House briefly at a time convenient to the distinguished visitor.

GOODMAN,  
ALSUP,  
STINSON,  
FIELDEN,  
REED,  
TAYLOR,  
McDANIEL,  
COLQUITT,  
WAGGONER.

The resolution was read second time, and was adopted.

(Speaker in the Chair.)

In accordance with the above action, the Speaker announced the appointment of the following committee to escort the visitor to the Speaker's stand: Messrs. Reed, Stinson, Colquitt, Blankenship, McDaniel, Segrist and Goodman.

The committee having escorted the visitor to the Speaker's Stand, the Speaker presented Hon. W. O. Reed, who introduced Hon. Lynn Landrum to the House.

Mr. Landrum then addressed the House.

#### MESSAGE FROM THE SENATE

Austin, Texas, April 11, 1939.  
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the following:

H. C. R. No. 86, Relating to a Joint Session of the House and Senate to

hear the choir of the Texas State College for Women.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### MESSAGE FROM THE SENATE

Austin, Texas, April 11, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee report on House Bill No. 20, by the following vote: Yeas, 22; Nays, 6.

The Senate has adopted:

S. C. R. No. 13, Granting permission to Edwin Marckwordt to sue the State.

The Senate has failed to pass

S. J. R. No. 3, Proposing to amend the Constitution of the State of Texas, by adopting a new Section, which shall provide that the Court of Criminal Appeals of Texas, may sit at any time during the year for the transaction of business, and that its term shall begin and end with each calendar year; repealing existing provisions in conflict therewith; providing for the holding of an election; prescribing the form of ballot; directing the Governor to issue the necessary proclamation; and making an appropriation.

By the following vote: Yeas, 13; Nays, 14.

The Senate has passed

S. B. No. 36, A bill to be entitled "An Act creating and establishing the State Board of Public Welfare; Providing for its members to furnish bond; setting the compensation for each member; providing for the selection of an Executive Director; fixing the compensation and specifying the duties of the director; providing for the creation of the divisions of the State Department of Public Welfare; providing for assistance to the needy blind; providing for assistance to needy dependent children, and declaring an emergency." (With engrossed rider.)

S. B. No. 131, A bill to be entitled "An Act prohibiting escapes from any jail and providing a penalty, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

S. B. No. 155, A bill to be entitled "An Act providing that it shall be

unlawful to hunt, take, kill, pursue, catch, possess, buy or sell any game bird, game animal, fish, shrimp, oyster, crabs, diamond back terrapin, fur-bearing animal, or attempt to do so by means, method or device, other than such as may hereafter be permitted; repealing all laws relating thereto, excepting certain laws, and declaring an emergency."

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

H. B. No. 49, "An Act amending Articles 3704, 3705, 3706, 3707, 3709, 3711, and 3738 of the Revised Civil Statutes of 1925; providing for the issuance of subpoenas in civil cases; providing for the style and form of such subpoenas; providing that all witnesses so summoned shall be required to attend court in obedience thereto, and that failing to so attend, any such witness may be fined by the Court as for a contempt of court, and an attachment may issue against the body of such witness to compel attendance; providing that any witness refusing to give evidence may be committed to jail, there to remain without bail until such witness shall consent to give evidence; providing for the taking of depositions of witnesses in civil suits, and that the failure to obtain the deposition of any witness, male or female, residing in the County in which the suit is pending, shall not be regarded as want of diligence where diligence has been used to secure the personal attendance of any such witness by the service of a subpoena or attachment, and declaring an emergency."

H. B. No. 343, "An Act to amend Article 2965, Title 50, Chapter 5, of the Revised Civil Statutes of Texas, of 1925, as amended by Acts of the Forty-first Legislature, 1929, page 248, Chapter 109, Section 2, as amended by the Acts of the Forty-first Legislature, 1929, First Called Session, page 111, Chapter 51, Section 2, providing for form of receipt for payment of poll tax; amending Article 2970, Title 50, Chap-

ter 5, of the Revised Civil Statutes of Texas, of 1925, prescribing the number of poll tax books to be issued, the time of such issue, the character of books furnished, providing for duplicate copies of said books, prescribing the data to be placed in said books, providing for the manner of delivery of certificates from said books; amending Article 2975, Title 50, Chapter 5, of the Revised Civil Statutes of Texas, of 1925, prescribing and making it the duty of the tax collector to tabulate a list of voters, prescribing the time such duty shall be performed, prescribing the number of such lists and the mode and manner of issuing the same, prescribing for description of voter, his residence, his voting precinct, and the list of his residence in the State and county, prescribing the form of such lists; defining offenses for violation of said Act and prescribing punishment therefor, and declaring an emergency."

H. B. No. 336, "An Act making an emergency appropriation to supplement an appropriation made by the Regular Session of the Forty-fifth Legislature for the fiscal year ending August 31, 1939, found on page 1368, Acts of the Regular Session of the Forty-fifth Legislature; said appropriation is to pay the salaries and other expenses of the inspection work incident to the eradication of the Pink Bollworm, under the provisions of Chapter 3, Title 4, Revised Civil Statutes of Texas, 1939, known as the Pink Bollworm Law, and amendments thereto, and declaring an emergency."

H. B. No. 381, "An Act amending Article 200, Title 6, Chapter 2 of the Penal Code of the State of Texas, 1925, making it unlawful to give out any poll tax receipt, or certificate of exemption in blank, to issue any poll tax receipt, or certificate of exemption in blank, or to deliver any poll tax receipt or certificate of exemption to any fictitious person, fixing a penalty therefor, and declaring an emergency."

#### RECESS

On motion of Mr. Corry, the House, at 12:10 o'clock p. m., took recess until 2:30 o'clock p. m., today.

#### AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

#### LEAVE OF ABSENCE GRANTED

(By unanimous consent)

Mr. Allison was granted leave of absence for this afternoon, on account of illness, on motion of Mr. Johnson of Tarrant.

#### TO GRANT PERMISSION TO SUE THE STATE

Mr. Bailey offered the following resolution:

H. C. R. No. 89, To grant Tilford Moore permission to sue the State.

Whereas, During the summer of 1938, exact date not known to proponent, Tilford Moore of Wood County, Texas was seriously and permanently injured by being thrown violently from a truck owned and operated by the State Highway Department; said injury occurring on a public highway in Wood County, Texas, the exact highway not being known to proponent but located and situated in Wood County, Texas; said truck being under the control, management and operation of the State Highway Department, its agents and representatives; and

Whereas, Said injury was due to the negligent, careless and reckless operation of said truck by the State Highway Department, its employees, agents and representatives; and

Whereas, But for such reckless, careless and inconsiderate operation of such truck by the State Highway Department, its agents, employees and representatives, said injury would not have occurred; and

Whereas, The reckless, careless and inconsiderate operation of said truck was the direct and proximate cause of said injury; and

Whereas, Such injury has rendered the said Tilford Moore lame, halt and incapacitated, and has left him permanently injured in body, which injury the said Tilford Moore will suffer for the remainder of his life, and has suffered much pain, agony and inconvenience, and has suffered impairment of the functions of his limbs and body; and

Whereas, Due to said injury the said Tilford Moore has been required



to expend money in the payment of medical and hospital care as well as the expense of treatment and attention of doctors, and will in the future continue to incur expenses and suffering because of such injury; and

Whereas, The said Tilford Moore desires to bring suit against the State of Texas and the State Highway Department to establish and recover damages, if any, resulting to him by virtue of said injury; and

Whereas, It is alleged, the said Tilford Moore has never been compensated by the State of Texas for his damages resulting from said injuries; now therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That Tilford Moore is hereby granted permission to bring suit against the State of Texas and/or the State Highway Department on account of such damages accruing because of such injuries, past, present, and future, and as well to recover medical expenses, hospitalization and each and every expense for such expenditures of money, and reasonable damages for the pain, and suffering of the said Tilford Moore because of such injuries, whether suffered in the past, or to be endured in the future. Such injuries being due directly to the reckless, negligent and wanton operation of the truck hereinabove mentioned, operated and controlled at the time of such injury by the State Highway Department, its agents, employees and representatives, and

Be it further resolved, That said suit be filed and authorized to be filed in any court of competent jurisdiction in Wood County, Texas, and

Be it further resolved, That, process in such suit be served upon the Chairman of the State Highway Commission, and the Attorney General of Texas, and that when so served it shall have the same force and effect as in other civil cases, and it is so resolved.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

#### TO GRANT PERMISSION TO SUE THE STATE

Mr. Colquitt offered the following resolution:

H. C. R. No. 90, To grant E. L. Martin permission to sue the State.

Whereas, On or about April 10, 1934, one E. L. Martin was awarded a contract known as Public Works Project NRH 98-D by the State Highway Department for the construction of certain bridges in Collin County and said contract was awarded to the said E. L. Martin through competitive bids made on detail plans and specifications as prepared by the State Highway Department; and

Whereas, In the performance of this contract the said E. L. Martin was damaged materially through the undue and unreasonable interference of the project engineer and inspector to the extent of a material loss to the said E. L. Martin; and

Whereas, Numerous protests were made to the resident engineer and to the State Highway Department that resulted in many losses to the said E. L. Martin; therefore, be it

Resolved by the House of Representatives, and the Senate concurring, that the said E. L. Martin be permitted to bring suit against the Texas Highway Commission and the State of Texas for reimbursement for the losses incurred due to the negligence and interference of the said department engineer and inspector.

The resolution was read second time and was referred, by the Speaker, to the Committee on State Affairs.

#### MESSAGE FROM THE SENATE

Austin, Texas, April 11, 1939.  
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 87, Instructing the enrolling clerk of the House to make certain corrections to House Bill No. 310.

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### SENATE BILL NO. 216 ON SECOND READING

Mr. Talbert moved that all necessary House Rules and the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 216 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—122

Allen	Howard
Allison	Howington
Alsup	Hull
Anderson	Hunt
Bailey	Isaacks
Baker	Johnson of Ellis
of Fort Bend	Johnson of Tarrant
Baker of Grayson	Kennedy
Bell	Kern
Blankenship	Kerr
Boyd	Kersey
Boyer	Kinard
Bradbury	King
Bradford	Langdon
Bray	Lehman
Broadfoot	Leonard
Brown of Cherokee	Leyendecker
Brown	Little
of Nacogdoches	Lock
Bundy	Loggins
Burkett	London
Burney	Mays
Cauthorn	McAlister
Celaya	McDaniel
Chambers	McDonald
Clark	McMurry
Cleveland	McNamara
Cockrell	Mohrmann
Coleman	Monkhouse
Colquitt	Morris
Colson, Mrs.	Newell
Cornett	Oliver
Corry	Pace
Crossley	Pevehouse
Daniel	Piner
Davis of Jasper	Pope
Dean	Reader of Erath
Derden	Reaves
Dickison	Rhodes
Dickson	Riviere
Donaghey	Roach
Faulkner	Roberts
Felty	Robinson
Ferguson	Russell
Fielden	Segrist
Galbreath	Skiles
Gilmer	Smith of Hopkins
Goodman	Smith
Gordon, Mrs.	of Matagorda
Hale	Spencer
Hamilton	Stoll
Hankamer	Talbert
Hardeman	Taylor
Hardin	Tennant
Harp	Thornberry
Harper	Thornton
Harrell of Bastrop	Turner
Harrell of Lamar	Vint
Harris	Voigt
Heflin	Waggoner

Weldon  
White  
Wilson

Winfree  
Worley

Absent

Bond	Reader of Bexar
Bridgers	Reed
Davis of Upshur	Schuenemann
Dwyer	Shell
Fuchs	Smith of Frio
Hartzog	Stinson
Holland	Tarwater
McFarland	Vale
Montgomery	Westbrook
Nicholson	Wood
Ragsdale	Wright

Absent—Excused

Dowell  
Keith

Petsch  
Wells

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 216, A bill to be entitled "An Act to amend Section 17, House Bill No. 68, Chapter 3, Acts of the Regular Session of the Forty-fourth Legislature, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### SENATE BILL NO. 216 ON THIRD READING

The Speaker then laid Senate Bill 216 before the House on third reading and final passage.

The bill was read third time and was passed.

#### HOUSE BILL NO. 720 WITH SENATE AMENDMENTS

Mr. Hardeman called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 720, A bill to be entitled "An Act to amend Article 4595, Title 73 of the Revised Civil Statutes of Texas, 1925, relating to sales to satisfy liens of hotel and boarding house proprietors and innkeepers, and declaring an emergency."

On motion of Mr. Hardeman, the House concurred in the Senate amendments by the following vote:

Yeas—122

Allen  
Alsup

Anderson  
Bailey

Baker	Kinard
of Fort Bend	King
Baker of Grayson	Langdon
Bell	Lehman
Blankenship	Leonard
Boyd	Leyendecker
Boyer	Little
Bradbury	Lock
Bradford	Loggins
Bray	London
Bridgers	Mays
Broadfoot	McAlister
Brown of Cherokee	McDaniel
Bundy	McDonald
Burkett	McFarland
Burney	McMurry
Cauthorn	McNamara
Chambers	Mohrmann
Clark	Monkhouse
Cleveland	Montgomery
Cockrell	Morris
Coleman	Newell
Colquitt	Nicholson
Colson, Mrs.	Oliver
Cornett	Pace
Crossley	Pevehouse
Daniel	Pope
Davis of Jasper	Reader of Erath
Davis of Upshur	Reaves
Dean	Reed
Derden	Rhodes
Dickson	Riviere
Dickson	Roach
Donaghey	Roberts
Faulkner	Robinson
Felty	Russell
Ferguson	Schuenemann
Fielden	Segrist
Galbreath	Skiles
Goodman	Smith of Hopkins
Gordon, Mrs.	Spencer
Hale	Stinson
Hamilton	Stoll
Hankamer	Tarwater
Hardeman	Taylor
Hardin	Tennant
Harp	Thornberry
Harper	Thornton
Harrell of Lamar	Turner
Harris	Vint
Heflin	Voigt
Howington	Waggoner
Hunt	Weldon
Isaacks	White
Johnson of Ellis	Wilson
Johnson of Tarrant	Winfree
Kennedy	Wood
Kern	Worley
Kerr	Wright
Kersey	

Present—Not Voting

Brown  
of Nacogdoches

### Absent

Bond	Piner
Celaya	Ragsdale
Corry	Reader of Bexar
Dwyer	Shell
Fuchs	Smith of Frio
Gilmer	Smith
Harrell of Bastrop	of Matagorda
Hartzog	Talbert
Holland	Vale
Howard	Westbrook
Hull	

### Absent—Excused

Allison	Petsch
Dowell	Wells
Keith	

### HOUSE BILL NO. 908 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 908, Providing for the levying of certain taxes for the purpose of financing the Social Security program, etc., on its passage to engrossment.

The bill having been read second time on yesterday with Committee Amendment, by Mr. Wright, substitute amendment, by Mr. Langdon, for the Committee Amendment as substituted by amendment by Mr. Hardin, and motion to table the substitute amendment by Mr. Langdon, pending.

Question recurring on the motion to table, the substitute amendment by Mr. Langdon, yeas and nays were demanded.

The motion to table prevailed by the following vote:

### Yeas—75

Allen	Davis of Jasper
Alsup	Dean
Bailey	Derden
Blankenship	Dickson
Bond	Donaghey
Boyer	Faulkner
Bradbury	Fielden
Bradford	Gilmer
Bray	Goodman
Broadfoot	Hankamer
Brown of Cherokee	Hardin
Bundy	Harrell of Lamar
Burkett	Harris
Cauthorn	Hartzog
Cleveland	Hull
Colquitt	Hunt
Colson, Mrs.	Johnson of Ellis
Crossley	Johnson of Tarrant

Kern	Rhodes
Kersey	Riviere
Kinard	Roberts
Lehman	Schuenemann
Leonard	Segrist
Leyendecker	Shell
Little	Skiles
Loggins	Smith of Hopkins
London	Stoll
McAlister	Taylor
McDaniel	Thornton
McFarland	Turner
McMurry	Vale
Mohrmann	Voigt
Monkhouse	Waggoner
Nicholson	Westbrook
Oliver	White
Pace	Worley
Pope	Wright
Reed	

## Nays—61

Anderson	Kennedy
Baker	Kerr
of Fort Bend	King
Baker of Grayson	Langdon
Bell	Lock
Boyd	Mays
Bridgers	McDonald
Brown	McNamara
of Nacogdoches	Montgomery
Burney	Morris
Chambers	Newell
Clark	Pevehouse
Cockrell	Piner
Coleman	Reader of Bexar
Cornett	Reader of Erath
Corry	Reaves
Daniel	Roach
Davis of Upshur	Robinson
Dickison	Russell
Ferguson	Smith of Frio
Galbreath	Smith
Gordon, Mrs.	of Matagorda
Hale	Spencer
Hamilton	Talbert
Hardeman	Tarwater
Harp	Tennant
Harper	Thornberry
Harrell of Bastrop	Vint
Heflin	Weldon
Holland	Wilson
Howington	Winfree
Isaacks	Wood

## Absent

Celaya	Howard
Dwyer	Ragsdale
Felty	Stinson
Fuchs	

## Absent—Excused

Allison	Petsch
Dowell	Wells
Keith	

Mr. Reader of Erath moved the previous question on the Committee Amendment, as substituted, and the engrossment of House Bill No. 908, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The roll of the House was called and the vote announced, as follows: Yeas, 65; Nays, 62.

A verification of the vote was requested.

Mr. Reader of Bexar moved a call of the House, pending the verification, and the call was duly ordered.

The roll of the "yeas" and "nays" was again called and the verified vote resulted, as follows:

## Yeas—68

Bailey	Kinard
Boyer	Langdon
Bradbury	Lehman
Bradford	Leyendecker
Bundy	Little
Burkett	Lock
Chambers	London
Cleveland	McAlister
Coleman	McFarland
Colquitt	McMurry
Colson, Mrs.	Monkhouse
Corry	Morris
Crossley	Nicholson
Daniel	Oliver
Davis of Jasper	Pace
Davis of Upshur	Piner
Dean	Reader of Bexar
Derden	Reader of Erath
Donaghey	Rhodes
Faulkner	Riviere
Ferguson	Roach
Fuchs	Russell
Hankamer	Schuenemann
Hardin	Shell
Harp	Skiles
Harper	Smith of Frio
Harrell of Bastrop	Smith of Hopkins
Holland	Spencer
Howington	Taylor
Hull	Thornton
Johnson of Ellis	Vale
Johnson of Tarrant	Westbrook
Kennedy	Worley
Kersey	Wright

## Nays—64

Allen	Baker of Grayson
Alsup	Bell
Anderson	Blankenship
Baker	Bond
of Fort Bend	Boyd

Bray	McDaniel
Broadfoot	McDonald
Brown of Cherokee	McNamara
Brown	Mohrmann
of Nacogdoches	Montgomery
Burney	Newell
Cauthorn	Pevehouse
Clark	Reaves
Cockrell	Reed
Cornett	Roberts
Dickison	Robinson
Dickson	Segrist
Galbreath	Smith
Goodman	of Matagorda
Gordon, Mrs.	Stoll
Hale	Talbert
Hamilton	Tarwater
Hardeman	Tennant
Harrell of Lamar	Thornberry
Harris	Turner
Hartzog	Vint
Heflin	Voigt
Hunt	Waggoner
Isaacks	Weldon
Kern	White
Kerr	Wilson
King	Winfree
Loggins	Wood
Mays	

## Absent

Bridgers	Howard
Celaya	Leonard
Dwyer	Pope
Felty	Ragsdale
Fielden	Stinson
Gilmer	

## Absent—Excused

Allison	Petsch
Dowell	Wells
Keith	

The Speaker announced that the motion for the previous question prevailed.

Question recurring on the committee amendment, by Mr. Wright, as substituted, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and with the body of the bill.

House Bill No. 908 was then passed to engrossment by the following vote:

## Yeas—91

Alsup	Bradbury
Bailey	Bridgers
Baker of Grayson	Broadfoot
Bell	Brown of Cherokee
Bond	Brown
Boyd	of Nacogdoches
Boyer	Bundy

Burkett	Langdon
Chambers	Lehman
Cleveland	Leyendecker
Cockrell	Little
Coleman	Lock
Colquitt	Loggins
Colson, Mrs.	London
Cornett	Mays
Corry	McFarland
Crossley	McMurry
Daniel	Mohrmann
Davis of Jasper	Morris
Davis of Upshur	Oliyer
Dean	Pace
Derden	Pevehouse
Donaghey	Piner
Faulkner	Reader of Erath
Ferguson	Rhodes
Fielden	Riviere
Fuchs	Roberts
Gilmer	Russell
Goodman	Schuenemann
Hale	Skiles
Hamilton	Smith of Frio
Hankamer	Smith of Hopkins
Hardin	Smith
Harp	of Matagorda
Harper	Spencer
Harrell of Bastrop	Taylor
Harrell of Lamar	Thornberry
Harris	Thornton
Holland	Turner
Howington	Vale
Hull	Voigt
Hunt	Weldon
Johnson of Ellis	Westbrook
Johnson of Tarrant	White
Kennedy	Worley
Kern	Wright
Kersey	

## Nays—46

Allen	King
Anderson	McAlister
Baker	McDaniel
of Fort Bend	McDonald
Blankenship	McNamara
Bradford	Monkhouse
Bray	Montgomery
Burney	Newell
Cauthorn	Nicholson
Celaya	Pope
Clark	Reader of Bexar
Dickison	Reaves
Dickson	Reed
Felty	Robinson
Galbreath	Shell
Gordon, Mrs.	Stinson
Hardeman	Stoll
Hartzog	Talbert
Heflin	Tarwater
Isaacks	Tennant
Kerr	Vint
Kinard	Waggoner

Wilson .  
Winfree

Wood

Absent

Dwyer  
Howard  
Leonard

Ragsdale  
Roach  
Segrist

Absent—Excused

Allison  
Dowell  
Keith

Petsch  
Wells

Mr. Hardin moved to reconsider the vote by which House Bill No. 908 was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

### REASONS FOR VOTE

Having voted to table the Hardin substitute, and favoring the "omnibus" substitute, which was tabled, I have voted to engross the bill as substituted by the Hardin amendment, believing we must get some sort of a bill over to the Senate. We probably won't recognize House Bill No. 908 anyway when the Senate gets through with the bill.

### BRIDGERS.

We vote "nay" on the engrossment of House Bill No. 908 for the reason that the "Hardin substitute" that was substituted for the original bill was not printed nor typewritten, other than the copy introduced as a substitute. The bill, as substituted, is several closely typewritten pages and consists of 34 Sections, and I do not know what it contains other than the explanation made by the author of the substitute, Mr. Hardin, and all that I caught of his explanation was that it levied a tax of one (1%) per cent on all retail business establishments on the gross receipts of over Twenty-five Thousand (\$25,000.00) Dollars, and that goods sold to the Government of the United States or its agencies, to the State, counties and municipalities, were exempt from the tax. That portion of the "substitute" is simply a sales tax in disguise. Less than two hours were given to the discussion of this important measure until the previous question was voted. It is utterly impossible for one to properly consider a bill or a measure of any kind, of the length of this substitute, that had not been heretofore printed in any manner. I am unwilling to vote for any

measure levying taxes to the extent of Millions of Dollars that I do not understand.

ISAACKS,  
TARWATER,  
KING.

### MOTION TO PLACE HOUSE BILL NO. 908 ON THIRD READING

Mr. Wright moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 908 be placed on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by the following vote:

Yeas—103

Alsup	Harrell of Lamar
Anderson	Harris
Bailey	Heflin
Baker of Grayson	Holland
Blankenship	Howington
Bond	Hull
Boyd	Hunt
Boyer	Johnson of Ellis
Bradbury	Johnson of Tarrant
Bray	Kennedy
Broadfoot	Kern
Brown of Cherokee	Kerr
Brown	Kersey
of Nacogdoches	Langdon
Bundy	Lehman
Burkett	Leonard
Chambers	Leyendecker
Cleveland	Little
Cockrell	Lock
Coleman	Loggins
Colquitt	London
Corry	Mays
Crossley	McDonald
Daniel	McFarland
Davis of Jasper	McMurry
Davis of Upshur	Mohrmann
Dean	Montgomery
Derden	Morris
Donaghey	Oliver
Dwyer	Pace
Faulkner	Pevehouse
Ferguson	Piner
Fielden	Ragsdale
Fuchs	Reader of Bexar
Gilmer	Reader of Erath
Hale	Reaves
Hamilton	Rhodes
Hankamer	Riviere
Hardeman	Roach
Hardin	Roberts
Harp	Russell
Harper	Schuenemann
Harrell of Bastrop	Shell

Skiles	Thornton
Smith of Frio	Turner
Smith of Hopkins	Vale
Smith	Voigt
of Matagorda	Waggoner
Spencer	Weldon
Talbert	Westbrook
Tarwater	Worley
Taylor	Wright
Tennant	

## Nays—37

Allen	Kinard
Baker	King
of Fort Bend	McAlister
Bell	McDaniel
Bradford	McNamara
Bridgers	Monkhouse
Burney	Newell
Cauthorn	Nicholson
Celaya	Pope
Clark	Reed
Colson, Mrs.	Robinson
Cornett	Stinson
Dickison	Stoll
Felty	Thornberry
Galbreath	Vint
Goodman	White
Gordon, Mrs.	Wilson
Hartzog	Winfree
Isaacks	Wood

## Absent

Dickson	Segrist
Howard	

## Absent—Excused

Allison	Petsch
Dowell	Wells
Keith	

## HOUSE BILL NO. 908 ON THIRD READING

Mr. Thornton moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 908 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—120

Alsup	Broadfoot
Bailey	Brown of Cherokee
Baker	Brown
of Fort Bend	of Nacogdoches
Baker of Grayson	Bundy
Blankenship	Burkett
Bond	Cauthorn
Boyer	Celaya
Bradbury	Chambers
Bray	Clark
Bridgers	Cleveland

Cockrell	Little
Coleman	Lock
Colquitt	Loggins
Colson, Mrs.	London
Cornett	Mays
Corry	McDaniel
Crossley	McDonald
Daniel	McFarland
Davis of Jasper	McMurry
Davis of Upshur	Mohrmann
Dean	Monkhouse
Derden	Montgomery
Dickson	Morris
Donaghey	Newell
Dwyer	Oliver
Faulkner	Pace
Felty	Petsch
Ferguson	Pevehouse
Fielden	Piner
Fuchs	Ragsdale
Gilmer	Reader of Bexar
Goodman	Reader of Erath
Hale	Reaves
Hamilton	Rhodes
Hankamer	Riviere
Hardeman	Roach
Hardin	Roberts
Harp	Russell
Harper	Schuenemann
Harrell of Bastrop	Shell
Harrell of Lamar	Skiles
Harris	Smith of Frio
Hartzog	Smith of Hopkins
Heflin	Smith
Holland	of Matagorda
Howard	Spencer
Howington	Tarwater
Hull	Taylor
Hunt	Tennant
Johnson of Ellis	Thornton
Johnson of Tarrant	Turner
Kennedy	Vale
Kern	Voigt
Kerr	Waggoner
Kersey	Weldon
Kinard	Westbrook
King	White
Langdon	Wood
Lehman	Worley
Leonard	Wright
Leyendecker	

## Nays—22

Allen	Nicholson
Bell	Pope
Boyd	Reed
Bradford	Robinson
Burney	Segrist
Dickison	Stinson
Galbreath	Stoll
Gordon, Mrs.	Thornberry
Isaacks	Vint
McAlister	Wilson
McNamara	Winfree

Absent  
Anderson Talbert  
Absent—Excused

Allison Keith  
Dowell Wells

The Speaker then laid House Bill No. 908 before the House on third reading and final passage.

The bill was read third time.

Mr. Mays offered the following amendment to the bill:

Amend House Bill No. 908, by adding a new Section, to be known as Section 2a, to read as follows:

"There is hereby levied upon the operation of pool tables or billiard parlors, an occupation tax amounting to Twenty-five (\$25.00) Dollars per table per year.

"There shall be exempted from this tax all those tables located in Y. M. C. A.'s or Young Men's Christian Temperance Unions, and social service clubs, where a fee is not charged for playing, and the players are members only."

Mr. Derden raised a point of order, on consideration of the amendment by Mr. Mays, at this time, on the ground that a similar measure has heretofore been defeated by the House.

The Speaker overruled the point of order.

(Mr. Thornton in the Chair.)

Mr. Derden offered the following amendment to the amendment by Mr. Mays:

Amend Mays amendment, by adding at the end of same, the following: "Nothing herein shall be deemed to legalize the operation of pool tables or billiard parlors."

The amendment to the amendment was adopted.

Mr. Baker of Grayson moved to table the amendment by Mr. Mays, as amended.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—72

Allen Bradbury  
Alsup Broadfoot  
Baker of Grayson Brown of Cherokee  
Boyd Burkett  
Boyer Cleveland

Colson, Mrs.  
Cornett  
Crossley  
Daniel  
Davis of Jasper  
Derden  
Felty  
Fielden  
Galbreath  
Gilmer  
Gordon, Mrs.  
Hale  
Hamilton  
Harp  
Harrell of Lamar  
Harris  
Holland  
Howington  
Hull  
Isaacks  
Kennedy  
Kern  
Kersey  
King  
Langdon  
Lehman  
Little  
Lock  
London  
McDonald  
McFarland  
McNamara  
Monkhouse  
Morris  
Newell  
Oliver  
Pace  
Piner  
Reader of Bexar  
Reader of Erath  
Reaves  
Reed  
Rhodes  
Roach  
Roberts  
Russell  
Skiles  
Smith of Frio  
Smith of Hopkins  
Stinson  
Stoll  
Tarwater  
Tennant  
Thornberry  
Turner  
Vale  
Westbrook  
White  
Wilson  
Wood  
Worley  
Wright

Nays—66

Anderson  
Bailey  
Baker  
of Fort Bend  
Bell  
Blankenship  
Bond  
Bradford  
Bridgers  
Brown  
of Nacogdoches  
Bundy  
Burney  
Cauthorn  
Celaya  
Chambers  
Clark  
Cockrell  
Coleman  
Colquitt  
Corry  
Davis of Upshur  
Dean  
Dickison  
Dickson  
Dwyer  
Faulkner  
Ferguson  
Fuchs  
Goodman  
Hankamer  
Hardeman  
Hardin  
Harper  
Harrell of Bastrop  
Hartzog  
Heflin  
Hunt  
Johnson of Ellis  
Johnson of Tarrant  
Kerr  
Kinard  
Leonard  
Leyendecker  
Loggins  
Mays  
McAlister  
McDaniel  
McMurry  
Mohrmann  
Montgomery  
Nicholson  
Pevehouse  
Pope  
Ragsdale  
Riviere  
Robinson  
Schuenemann  
Segrist  
Shell  
Smith  
of Matagorda



Spencer	Waggoner
Taylor	Weldon
Vint	Winfree
Voigt	

Absent

Bray	Talbert
Donaghey	Thornton
Howard	

Absent—Excused

Allison	Petsch
Dowell	Wells
Keith	

Mr. Thornberry offered the following amendment to the bill:

Amend House Bill No. 908, on page 2, of the substituted bill in Subsection 3, by providing that sales made by the Government of the United States, the State of Texas, any of their agencies, Rural Electrification Corporations, and by the various counties, districts and municipalities of this State and their agencies, shall be exempt from the provisions of this bill.

THORNBERRY,  
BELL,  
BOYD.

The amendment was unanimously adopted.

Mr. Derden offered the following amendment to the bill:

Amend committee amendment No. 1 to House Bill No. 908, as amended by the Hardin amendment, by striking out all of the last four lines of Section 2 on page 2, and insert in lieu thereof, the following:

"from taxes on Thirty-five Thousand (\$35,000.00) Dollars of his cash gross receipts or gross income during any one tax year on retail sales and Sixty Thousand (\$60,000.00) Dollars cash gross receipts or gross income during any one tax year on wholesale sales, and such exemptions may be allowed monthly under such regulations as the State Comptroller shall prescribe."

DERDEN,  
LEHMAN,  
FEILDEN,  
READER of Erath.

Mr. Mohrmann offered the following substitute for the amendment by Mr. Derden:

Amend Derden amendment by striking out the words and figures, "Thirty-five Thousand (\$35,000.00) Dollars" and insert the words and fig-

ures, "Forty-five Thousand (\$45,000.00) Dollars," and by striking out the words and figures "Sixty Thousand (\$60,000.00) Dollars" and insert the words and figures, "Seventy-five Thousand (\$75,000.00) Dollars."

MOHRMANN,  
KERR.

The substitute amendment was adopted.

Question recurring on the amendment by Mr. Derden, as substituted, it was adopted by the following vote:

Yeas—116

Alsup	Hardin
Bailey	Harp
Baker	Harper
of Fort Bend	Harrell of Bastrop
Baker of Grayson	Harrell of Lamar
Bell	Harris
Blankenship	Heflin
Bond	Howington
Boyd	Hunt
Boyer	Isaacks
Bradbury	Johnson of Ellis
Bradford	Johnson of Tarrant
Bray	Kennedy
Brown	Kern
of Nacogdoches	Kerr
Bundy	Kinard
Burney	King
Cauthorn	Langdon
Celaya	Lehman
Chambers	Leonard
Clark	Leyendecker
Cleveland	Little
Cockrell	Lock
Coleman	Loggins
Colquitt	Mays
Colson, Mrs.	McAlister
Cornett	McDaniel
Corry	McDonald
Daniel	McFarland
Davis of Jasper	McMurry
Davis of Upshur	Mohrmann
Dean	Montgomery
Derden	Morris
Dickison	Nicholson
Dickson	Oliver
Dwyer	Pace
Faulkner	Piner
Felty	Ragsdale
Ferguson	Reader of Erath
Fielden	Reaves
Fuchs	Reed
Galbreath	Rhodes
Goodman	Riviere
Gordon, Mrs.	Roach
Hale	Roberts
Hamilton	Robinson
Hankamer	Russell
Hardeman	

Segrist	Vale
Skiles	Vint
Smith of Hopkins	Voigt
Smith	Waggoner
of Matagorda	Weldon
Spencer	Westbrook
Stinson	White
Tarwater	Wilson
Taylor	Winfree
Tennant	Wood
Thornberry	Worley
Turner	Wright

## Nays—18

Allen	London
Broadfoot	McNamara
Brown of Cherokee	Newell
Burkett	Pevehouse
Crossley	Pope
Donaghey	Schuenemann
Gilmer	Shell
Holland	Smith of Frio
Kersey	Stoll

## Absent

Anderson	Monkhouse
Bridgers	Reader of Bexar
Hartzog	Talbert
Howard	Thornton
Hull	

## Absent—Excused

Allison	Petsch
Dowell	Wells
Keith	

Mr. Lehman moved the previous question on the final passage of House Bill No. 908, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion prevailed by the following vote:

## Yeas—75

Bailey	Corry
Baker of Grayson	Crossley
Blankenship	Davis of Jasper
Boyer	Davis of Upshur
Bradbury	Dean
Bradford	Derden
Broadfoot	Donaghey
Brown of Cherokee	Faulkner
Bundy	Ferguson
Burkett	Fielden
Burney	Fuchs
Chambers	Hankamer
Cleveland	Hardin
Cockrell	Harp
Coleman	Harper
Cornett	Harrell of Bastrop

Holland	Pace
Howington	Piner
Hunt	Ragsdale
Kennedy	Reader of Erath
Kersey	Rhodes
Kinard	Riviere
Langdon	Roach
Lehman	Roberts
Leonard	Russell
Leyendecker	Schuenemann
Little	Smith of Frio
Lock	Smith of Hopkins
London	Smith
Mays	of Matagorda
McAlister	Spencer
McFarland	Vale
McMurry	Waggoner
Mohrmann	Weldon
Montgomery	Westbrook
Morris	Wilson
Nicholson	Worley
Oliver	Wright

## Nays—57

Allen	Johnson of Ellis
Alsup	Johnson of Tarrant
Anderson	Kern
Baker	Kerr
of Fort Bend	King
Bell	Loggins
Bond	McDonald
Boyd	McNamara
Bray	Newell
Brown	Pevehouse
of Nacogdoches	Pope
Cauthorn	Reader of Bexar
Celaya	Reaves
Clark	Reed
Colquitt	Robinson
Colson, Mrs.	Segrist
Daniel	Skiles
Dickison	Stinson
Dickson	Stoll
Dwyer	Tarwater
Felty	Taylor
Galbreath	Tennant
Goodman	Thornberry
Gordon, Mrs.	Turner
Hale	Vint
Hamilton	Voigt
Hardeman	White
Harrell of Lamar	Winfree
Harris	Wood
Isaacks	

## Absent

Bridgers	McDaniel
Gilmer	Monkhouse
Hartzog	Shell
Heflin	Talbert
Howard	Thornton
Hull	

## Absent—Excused

Allison	Petsch
Dowell	Wells
Keith	

Mr. Cornett moved to reconsider the vote by which the previous question was ordered.

Question recurring on the motion to reconsider, yeas and nays were demanded.

The roll of the House was called and the vote announced, as follows: Yeas, 60; Nays, 67.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called and the verified vote resulted, as follows:

## Yeas—61

Allen	McDaniel
Alsup	McDonald
Baker	McNamara
of Fort Bend	Mohrmann
Bell	Montgomery
Bond	Newell
Boyd	Pace
Bradford	Pevehouse
Bridgers	Pope
Brown	Reaves
of Nacogdoches	Reed
Burney	Roberts
Cauthorn	Robinson
Clark	Russell
Cockrell	Schuenemann
Colson, Mrs.	Segrist
Cornett	Skiles
Corry	Spencer
Derden	Stinson
Fuchs	Stoll
Galbreath	Tarwater
Hale	Taylor
Hardeman	Tennant
Harrell of Lamar	Thornberry
Harris	Turner
Isaacks	Vint
Johnson of Ellis	Waggoner
Johnson of Tarrant	Weldon
Kern	White
Kerr	Wilson
King	Winfree
McAlister	

## Nays—69

Bailey	Brown of Cherokee
Baker of Grayson	Bundy
Blankenship	Burkett
Boyer	Chambers
Bradbury	Cleveland
Bray	Coleman
Broadfoot	Colquitt

Crossley	Lehman
Daniel	Leonard
Davis of Jasper	Leyendecker
Davis of Upshur	Little
Dean	Lock
Dickson	Loggins
Dickson	London
Donaghey	Mays
Dwyer	McFarland
Faulkner	McMurry
Felty	Morris
Ferguson	Nicholson
Fielden	Oliver
Gilmer	Piner
Goodman	Reader of Erath
Hamilton	Rhodes
Hankamer	Riviere
Hardin	Roach
Harp	Smith of Frio
Harper	Smith of Hopkins
Harrell of Bastrop	Smith
Holland	of Matagorda
Howington	Vale
Hunt	Voigt
Kennedy	Westbrook
Kersey	Wood
Kinard	Worley
Langdon	Wright

## Absent

Celaya	Monkhouse
Gordon, Mrs.	Ragsdale
Hartzog	Reader of Bexar
Heflin	Shell
Howard	Talbert
Hull	Thornton

## Absent—Excused

Allison	Keith
Anderson	Petsch
Dowell	Wells

The Chair announced that the motion to reconsider was lost.

Mr. Cornett submitted the following motion:

I move that the Rules be suspended, so that I can offer a net income tax proposal for the gross receipts tax in the Hardin substitute.

## CORNETT.

The motion was lost by the following vote:

## Yeas—56

Allen	Brown of Cherokee
Baker	Brown
of Fort Bend	of Nacogdoches
Baker of Grayson	Burney
Bell	Chambers
Bond	Cornett
Boyd	Daniel

Davis of Jasper	Newell
Derden	Oliver
Ferguson	Pevehouse
Fuchs	Piner
Galbreath	Reader of Erath
Gordon, Mrs.	Reaves
Hale	Robinson
Hardeman	Russell
Harrell of Bastrop	Skiles
Harrell of Lamar	Smith of Frio
Heflin	Spencer
Howington	Stinson
Isaacks	Stoll
Johnson of Ellis	Tarwater
Kern	Tennant
King	Thornberry
Langdon	Vint
Lock	Weldon
Mays	Westbrook
McNamara	White
Mohrmann	Wilson
Morris	Worley

## Nays—78

Alsup	Hunt
Bailey	Johnson of Tarrant
Blankenship	Kennedy
Boyer	Kerr
Bradbury	Kersey
Bradford	Kinard
Bray	Lehman
Broadfoot	Leonard
Bundy	Leyendecker
Burkett	Little
Cauthorn	Loggins
Celaya	London
Clark	McAlister
Cleveland	McDaniel
Cockrell	McDonald
Coleman	McFarland
Colquitt	McMurry
Colson, Mrs.	Monkhouse
Corry	Montgomery
Crossley	Nicholson
Davis of Upshur	Pace
Dean	Reed
Dickison	Rhodes
Dickson	Riviere
Donaghey	Roach
Dwyer	Roberts
Faulkner	Schuenemann
Felty	Segrist
Fielden	Shell
Gilmer	Smith of Hopkins
Goodman	Smith
Hamilton	of Matagorda
Hankamer	Taylor
Hardin	Turner
Harp	Vale
Harper	Voigt
Harris	Winfree
Hartzog	Wood
Holland	Wright
Hull	

## Absent

Bridgers	Reader of Bexar
Howard	Talbert
Pope	Thornton
Ragsdale	Waggoner

## Absent—Excused

Allison	Keith
Anderson	Petsch
Dowell	Wells

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and with the body of the bill.

House Bill No. 908 was then passed by the following vote:

## Yeas—99

Allison	Heflin
Alsup	Holland
Bailey	Howington
Baker of Grayson	Hull
Bell	Hunt
Bond	Johnson of Ellis
Boyd	Kennedy
Boyer	Kern
Bradbury	Kerr
Broadfoot	Kersey
Brown of Cherokee	Langdon
Bundy	Lehman
Burkett	Leyendecker
Celaya	Little
Chambers	Lock
Cleveland	Loggins
Cockrell	London
Coleman	Mays
Colson, Mrs.	McDonald
Corry	McFarland
Crossley	McMurry
Daniel	Mohrmann
Davis of Jasper	Montgomery
Davis of Upshur	Morris
Dean	Oliver
Derden	Pace
Dickison	Petsch
Donaghey	Pevehouse
Dwyer	Piner
Faulkner	Ragsdale
Ferguson	Reader of Bexar
Fuchs	Reader of Erath
Gilmer	Reaves
Goodman	Rhodes
Hale	Riviere
Hamilton	Roach
Hankamer	Roberts
Hardin	Russell
Harp	Schuenemann
Harper	Skiles
Harrell of Bastrop	Smith of Frio
Harrell of Lamar	Smith of Hopkins
Harris	

Smith	Waggoner
of Matagorda	Weldon
Spencer	Westbrook
Taylor	White
Thornberry	Wood
Turner	Worley
Vale	Wright
Voigt	

## Nays—39

Allen	King
Baker	McAlister
of Fort Bend	McDaniel
Blankenship	McNamara
Bradford	Monkhouse
Bray	Newell
Brown	Nicholson
of Nacogdoches	Pope
Burney	Reed
Cauthorn	Robinson
Clark	Segrist
Cornett	Shell
Dickson	Stinson
Felty	Stoll
Galbreath	Talbert
Gordon, Mrs.	Tarwater
Hardeman	Tennant
Hartzog	Vint
Isaacks	Wilson
Johnson of Tarrant	Winfree
Kinard	

## Absent

Bridgers	Howard
Colquitt	Leonard
Fielden	Thornton

## Absent—Excused

Anderson	Keith
Dowell	Wells

Mr. Wright moved to reconsider the vote by which House Bill No. 908 was passed, and to table the motion to reconsider.

The motion to table prevailed.

## REASON FOR VOTE

I voted against final passage of House Bill No. 908 for many reasons, one major reason being that the previous question was put on and vital amendments could not be made. This bill in effect will place a tax on cotton marketing and thereby reduce the price of cotton.

## VINT.

## HOUSE BILL NO. 9 ON THIRD READING

Mr. Daniel moved that the necessary House Rules be suspended for

the purpose of taking up, and considering, at this time, House Bill No. 9.

The motion prevailed by the following vote:

## Yeas—95

Alsup	Kinard
Bailey	Langdon
Baker	Lehman
of Fort Bend	Leonard
Bell	Leyendecker
Boyer	Little
Bradbury	Lock
Bradford	Loggins
Bridgers	London
Bundy	Mays
Burney	McAlister
Cauthorn	McDaniel
Celaya	McMurry
Clark	McNamara
Coleman	Mohrmann
Colson, Mrs.	Monkhouse
Crossley	Montgomery
Daniel	Nicholson
Davis of Upshur	Pevehouse
Derden	Piner
Dickson	Pope
Donaghey	Ragsdale
Dwyer	Reader of Bexar
Faulkner	Reader of Erath
Ferguson	Reaves
Fielden	Reed
Fuchs	Rhodes
Galbreath	Riviere
Gilmer	Roberts
Goodman	Robinson
Gordon, Mrs.	Schuenemann
Hale	Shell
Hankamer	Skiles
Hardeman	Smith of Frio
Hardin	Smith of Hopkins
Harp	Smith
Harper	of Matagorda
Harris	Stoll
Hartzog	Tarwater
Heflin	Taylor
Howard	Turner
Hull	Vale
Hunt	Vint
Isaacks	Wilson
Johnson of Ellis	Winfree
Johnson of Tarrant	Wood
Kern	Worley
Kerr	Wright
Kersey	

## Nays—41

Allen	Brown
Baker of Grayson	of Nacogdoches
Blankenship	Burkett
Bond	Chambers
Boyd	Cleveland
Bray	Cockrell
Broadfoot	Cornett
Brown of Cherokee	Davis of Jasper

Dean	Oliver
Dickison	Pace
Felty	Roach
Hamilton	Russell
Harrell of Bastrop	Segrist
Harrell of Lamar	Spencer
Holland	Stinson
Howington	Tennant
Kennedy	Thornberry
King	Voigt
McDonald	Weldon
McFarland	Westbrook
Morris	White

Absent

Colquitt	Talbert
Corry	Thornton
Newell	Waggoner

Absent—Excused

Allison	Keith
Anderson	Petsch
Dowell	Wells

The Chair then laid House Bill No. 9 before the House on third reading and final passage.

The bill was read third time.

Mr. Daniel offered the following amendment to the bill:

Amend House Bill No. 9, Section 4, by striking out the last paragraph, which begins with the words, "all lands are included," and ends with the words, "passage of this Act."

(Speaker in the Chair.)

Mr. Derden moved to table the amendment.

The motion to table was lost.

The amendment was then adopted by the following vote:

Yeas—103

Allen	Colson, Mrs.
Alsup	Cornett
Bailey	Corry
Baker of Grayson	Crossley
Bell	Daniel
Blankenship	Davis of Upshur
Boyd	Dean
Boyer	Dickson
Bradbury	Dickson
Bradford	Faulkner
Brown of Cherokee	Ferguson
Bundy	Fielden
Burkett	Fuchs
Cauthorn	Galbreath
Chambers	Goodman
Clark	Gordon, Mrs.
Cleveland	Hale
Coleman	Hardeman
Colquitt	Harp

Harrell of Lamar	Pace
Harris	Ragsdale
Hartzog	Reaves
Heflin	Reed
Holland	Roach
Howard	Roberts
Howington	Robinson
Hull	Russell
Hunt	Schuenemann
Isaacks	Segrist
Johnson of Ellis	Shell
Johnson of Tarrant	Skiles
Kennedy	Smith of Frio
Kern	Smith of Hopkins
Kerr	Smith
Kersey	of Matagorda
Langdon	Spencer
Lehman	Stinson
Little	Stoll
Lock	Tarwater
Loggins	Taylor
London	Tennant
Mays	Thornberry
McAlister	Thornton
McDaniel	Turner
McFarland	Waggoner
McMurry	Weldon
Mohrmann	Westbrook
Monkhouse	White
Montgomery	Winfree
Morris	Wood
Nicholson	Worley
Oliver	Wright

Nays—18

Anderson	Leonard
Bond	Leyendecker
Broadfoot	McNamara
Cockrell	Pevhouse
Derden	Reader of Erath
Donaghey	Rhodes
Gilmer	Talbert
Hankamer	Voigt
Harrell of Bastrop	Wilson

Present—Not Voting

Brown	Vint
of Nacogdoches	

Absent

Baker	Harper
of Fort Bend	Kinard
Bray	King
Bridgers	McDonald
Burney	Newell
Celaya	Piner
Davis of Jasper	Pope
Dwyer	Reader of Bexar
Felty	Riviere
Hamilton	Vale
Hardin	

## Absent—Excused

Allison	Petsch
Dowell	Wells
Keith	

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 9 was then passed by the following vote:

## Yeas—91

Alsup	Kerr
Anderson	Kersey
Baker	Langdon
of Fort Bend	Lehman
Bell	Leonard
Boyer	Leyendecker
Bradbury	Little
Bradford	Lock
Bray	Loggins
Bundy	London
Burkett	Mays
Burney	McAlister
Cauthorn	McDaniel
Celaya	McFarland
Chambers	McMurry
Clark	Monkhouse
Coleman	Montgomery
Colquitt	Newell
Colson, Mrs.	Nicholson
Corry	Pace
Crossley	Petsch
Daniel	Pope
Davis of Upshur	Ragsdale
Dean	Reader of Bexar
Derden	Reader of Erath
Dickson	Reaves
Donaghey	Riviere
Dwyer	Roberts
Ferguson	Robinson
Fuchs	Russell
Galbreath	Schuenemann
Gilmer	Shell
Goodman	Smith of Frio
Gordon, Mrs.	Smith of Hopkins
Hankamer	Smith
Hardeman	of Matagorda
Harp	Stoll
Harper	Tarwater
Harrell of Lamar	Thornton
Harris	Turner
Hartzog	Vale
Heflin	Voigt
Hull	White
Hunt	Winfree
Johnson of Ellis	Worley
Johnson of Tarrant	Wright
Kern	

## Nays—47

Allen	Blankenship
Bailey	Bond
Baker of Grayson	Boyd

Bridgers	Mohrmann
Broadfoot	Morris
Brown of Cherokee	Oliver
Cleveland	Pevehouse
Cockrell	Reed
Cornett	Rhodes
Davis of Jasper	Roach
Dickson	Segrist
Faulkner	Skiles
Felty	Spencer
Fielden	Stinson
Hale	Talbert
Hamilton	Taylor
Hardin	Tennant
Harrell of Bastrop	Thornberry
Howington	Waggoner
Isaacks	Weldon
Kennedy	Westbrook
King	Wilson
McDonald	Wood
McNamara	

## Present—Not Voting

Brown  
of Nacogdoches

## Absent

Holland	Piner
Howard	Vint
Kinard	

## Absent—Excused

Allison	Keith
Dowell	Wells

Mr. Daniel moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

## REASON FOR VOTE

I voted "nay" on House Bill No. 9 because I want to go on record as not being in agreement with any land bills which will in any way take public school lands of Texas and give them away to special interests seeking them.

## SPENCER.

### ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 20

Mr. Ragsdale submitted the following Conference Committee report on House Bill No. 20:

Committee Room,

Austin, Texas, April 10, 1939.

Hon. Coke Stevenson, President of the Senate.

Hon. R Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed to adjust the

differences between the two Houses on House Bill No. 20, recommend that the bill be passed in form and text as submitted herewith.

Respectfully submitted,

ROBERTS,

SULAK,

AIKIN,

REDDITT,

LEMENS,

On the part of the Senate.

RAGSDALE,

TARWATER,

FUCHS,

SCHUENEMANN,

On the part of the House.

H. B. No. 20

### A BILL

#### To Be Entitled

An Act to be known as the "State Soil Conservation Act," reciting the legislative determination and declaration of policy; describing the consequence of soil erosion and the depletion of the fertility of the soil; reciting appropriate corrective methods; defining certain words and phrases used in this Act; establishing the State Soil Conservation Board; establishing five (5) State Districts, by conventions called by the Governor of the State, from which members of the State Soil Conservation Board are to be elected; defining the powers and duties of said members acting through and for said State Soil Conservation Board; providing for precinct conventions for the purpose of the establishing of County Soil Conservation Advisory Committees; defining the duties and compensation of the members thereof; providing for the compensation of members of the State Soil Conservation Board; providing for the method by which vacancies on the State Soil Conservation Board shall be filled; providing for the creation of Soil Conservation Districts within certain limits of total area; providing the manner of selection of the Supervisors of said Soil Conservation Districts; defining the powers, duties, and compensation of said Supervisors acting for and through such Soil Conservation Districts; providing for the removal of Supervisors; providing that vacancies shall be filled by election of

Supervisors; providing for a Board of Adjustment of three (3) members and fixing the method of appointment, the term of office, the duties, and compensation of Board of Adjustment members; providing for removal of officers under certain conditions and the filling of vacancies; providing that the State Treasurer shall act as the Treasurer for the State Soil Conservation Board; prescribing the duties of the State Treasurer with reference to funds of the Board; providing for a biennial audit and report to be made to the Governor of the State by the State Soil Conservation Board; providing for an appropriation to be made for the use of the State Board; providing the proper method of enforcement of such programs and regulations as may be promulgated by the several Districts described herein, providing method by which Soil Conservation Districts may be discontinued, repealing Senate Bill No. 227, Regular Session Forty-fourth Legislature, Page 504; providing that House Bill No. 13, Acts of the Forty-second Legislature, Regular Session and House Bill No. 978, Regular Session Forty-fourth Legislature, and Senate Bill No. 386, Acts of the Forty-fifth Legislature, Regular Session, shall be specifically preserved; providing that this Act shall be supplementary and complementary to all present laws, except those specifically repealed by this Act; providing this Act shall not impair nor impinge upon the rights, powers, and functions of certain Districts; providing separability clause; and declaring an emergency.

Be It Enacted by the Legislature Of The State Of Texas:

#### Section 1. Short Title.

This Act may be known and cited as the "State Soil Conservation Law."

#### Sec. 2. Legislative Determinations and Declaration of Policy.

It is hereby declared, as a matter of Legislative Determination:

(a) The condition. That the farm and grazing lands of the State of Texas are among the basic assets of the State and that the preservation of these lands is necessary to pro-



tect and promote the health, safety, and general welfare of its people; that improper land-use practices have caused and have contributed to, and are now causing and contributing to, a progressively more serious erosion of the farm and grazing lands of this State by wind and water; and that the breaking of natural grass, plant, and forest cover have interfered with the natural factors of soil stabilization, causing loosening of soil and exhaustion of humus, and developing a soil condition that favors erosion; that the top-soil is being blown and washed out of fields and pastures; that there has been an accelerated washing of sloping fields; that these processes of erosion by wind and water speed up with removal of absorptive topsoil, causing exposure of less absorptive and less protective but more erosive subsoil; that failure by any occupier of land to conserve the soil and control erosion upon such land causes a washing and blowing of soil and water from such lands onto other lands and makes the conservation of soil and control of erosion on such other lands difficult or impossible.

(b) The Consequences. That the consequences of such soil erosion in the form of soil-blowing and soil-washing are the silting and sedimentation of stream channels, reservoirs, dams, ditches, and harbors; the loss of fertile soil material in dust storms; the piling up of soil on lower slopes, and its deposit over alluvial plains; the reduction in productivity or outright ruin of rich bottom lands by overwash of poor subsoil material, sand, and gravel swept out of the hills; deterioration of soil and its fertility, deterioration of crops grown thereon, and declining acre yields despite development of scientific processes for increasing such yields; loss of soil and water which causes destruction of food and cover for wildlife; a blowing and washing of soil into streams which silts over spawning beds, and destroys water plants, diminishing the food supply of fish; a diminishing of the underground water reserve, which causes water shortages, intensifies periods of drought, and causes crop failures; an increase in the speed and volume of rainfall run-off, causing severe

and increasing floods, which bring suffering, disease, and death; impoverishment of families attempting to farm eroding and eroded lands; damage to roads, highways, railways, farm buildings, and other property from floods and from dust storms; and losses in navigation, hydroelectric power, municipal water supply, irrigation developments, farming, and grazing.

(c) The Appropriate Corrective Methods. That to conserve soil resources and control and prevent soil erosion, it is necessary that land-use practices contributing to soil wastage and soil erosion may be discouraged and discontinued, and appropriate soil-conserving land-use practices be adopted and carried out; that among the procedures necessary for widespread adoption, are the carrying on of engineering operations such as the construction of terraces, terrace outlets, check dams, dikes, ponds, ditches, and the like; the utilization of strip cropping, lister furrowing, contour cultivating, and contour furrowing; land irrigation, seeding and planting of waste, sloping, abandoned, or eroded lands to water-covering and erosion-preventing plants, trees, and grasses; forestation and reforestation; rotation of crops, soil stabilization with trees, grasses, legumes, and other thick-growing, soil holding crops, retardation of runoff by increasing absorption of rainfall; and retirement from cultivation of steep, highly erosive areas and areas now badly gullied or otherwise eroded.

(d) Declaration of Policy. It is hereby declared to be the policy of the Legislature to provide for the conservation of soil and soil resources of this State, and for the control and prevention of soil erosion, and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety, and general welfare of the people of this State, and thus to carry out the mandate expressed in Article XVI, Section 59a, of the Constitution of Texas. It is further declared as a matter of Legislative intent and determination of policy that the agencies created, powers con-

ferred and the activities contemplated in this Act for the conservation of soil and water resources and for the reduction of public damage resulting from failure to conserve such natural resources, shall be supplementary and complementary to the work of various river and other authorities now established in the State and to other State officers, agencies, and districts engaged in closely related projects, and shall not be duplicative thereof nor conflicting therewith.

### Sec. 3. Definitions.

Wherever used or referred to in this Act, unless a different meaning clearly appears from the context:

(1) "District" or "Soil Conservation District" means a governmental subdivision of this State, and a public body corporate and politic, organized in accordance with the provisions of this Act, for the purposes, with the powers, and subject to the restrictions hereinafter set forth.

(2) "State District" means one of the five (5) districts established as provided in Section 4, Subsection A of this Act.

(3) "Supervisor" means one of the members of the governing body of a district, elected or appointed in accordance with the provisions of this Act.

(4) "Board" or "State Soil Conservation Board" means the agency created in Section 4 of this Act.

(5) "County Soil Conservation Advisory Committee" means the committee elected in each county of the State as provided in Section 4, Subsection B, of this Act.

(6) "Petition" means a petition filed under the provisions of Subsection A of Section 5 of this Act for the creation of a district.

(7) "Nominating Petition" means a petition filed under the provisions of Section 6 of this Act to nominate candidates for the office of Supervisor of Soil Conservation District.

(8) "State" means the State of Texas.

(9) "Agency of this State" includes the Government of this State and any subdivision, agency, or instrumentality, corporate or otherwise, of the Government of this State.

(10) "United States" or "Agencies of the United States" includes the United States of America, the Soil Conservation Service of the United States Department of Agriculture, and any other agency or instrumentality, corporate or otherwise, of the United States of America.

(11) "Government" or "Governmental" includes the Government of this State, the Government of the United States, and any subdivision, agency, or instrumentality, corporate or otherwise of either of them.

(12) "Landowner" or "Owner of Land Lying Outside of Incorporated Cities and Towns" includes any person who holds legal or equitable title of any lands lying within a Soil Conservation District organized under the provisions of this Act and who is a duly qualified voter within such District.

(13) "Board of Adjustment" means the agency appointed in accordance with the provisions of Section 10 of this Act.

(14) "Due Notice" means notice published at least twice, with an interval of at least seven (7) days between the two (2) publication dates, in a newspaper or other publication of general circulation within the appropriate area, or if no such publication of general circulation be available, by posting at a reasonable number of conspicuous places within the appropriate area, such posting to include, where possible, posting at public places where it may be customary to post notices concerning county or municipal affairs, generally. At any hearing held pursuant to such notice, at the time and place designated in such notice, adjournment may be made from time to time without the necessity of renewing such notice for such adjourned dates.

### Sec. 4. State Soil Conservation Board.

A. There is hereby established to serve as an agency of the State and to perform the functions conferred on it in this Act, The State Soil Conservation Board. The Board will consist of five (5) members. The following shall serve in an advisory capacity to the Board: The President of Agricultural and Mechanical College of Texas, the President of Texas Technological College, the Director of Vocational Agriculture of Texas, the State Commissioner of Agriculture and the State Coordinator of the Soil Conservation Service of the

United States Department of Agriculture. The five (5) elective members of the Board shall be selected as follows: The State of Texas is hereby divided into five (5) State Districts for the purpose of selecting five (5) members of the State Soil Conservation Board. These five (5) State Districts shall be composed as follows:

State District No. 1, comprising fifty-one (51) counties: Dallam, Dawson, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, Briscoe, Hall, Childress, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Hardeman, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Gaines, Borden, Scurry, Fischer, Foard.

State District No. 2, comprising fifty-one (51) counties: Andrews, Martin, Howard, Mitchell, Nolan, Taylor, Runnels, Coke, Sterling, Glasscock, Midland, Ector, Winkler, Loving, Reeves, Culberson, Hudspeth, El Paso, Jeff Davis, Presidio, Brewster, Pecos, Terrell, Ward, Crane, Upton, Reagan, Irion, Tom Green, Concho, McCulloch, San Saba, Mason, Llano, Blanco, Gillespie, Crockett, Schleicher, Menard, Sutton, Kimble, Val Verde, Edwards, Real, Kerr, Kendall, Bandera, Uvalde, Medina, Kinney, Maverick.

State District No. 3, comprising fifty (50) counties: Burleson, Lee, Bastrop, Travis, Hays, Comal, Guadalupe, Caldwell, Fayette, Washington, Austin, Colorado, Lavaca, Gonzales, Wilson, Bexar, DeWitt, Jackson, Wharton, Fort Bend, Brazoria, Matagorda, Calhoun, Refugio, Bee, Karnes, Live Oak, Atascosa, McMullen, LaSalle, Frio, Duval, Dimmit, Webb, Zapata, Jim Hogg, Starr, Brooks, Hidalgo, Cameron, Willacy, Kennedy, Kleberg, Nueces, San Patricio, Aransas, Jim Wells, Zavala, Goliad, Victoria.

State District No. 4, comprising fifty-one (51) counties: Lamar, Red River, Bowie, Delta, Hopkins, Franklin, Titus, Morris, Cass, Marion, Camp, Upshur, Wood, Rains, Van Zandt, Smith, Gregg, Harrison, Henderson, Cherokee, Rusk, Panola, Shelby, Nacogdoches, Anderson, Freestone, Leon, Robertson, Brazos, Madison, Grimes, Waller, Houston,

Walker, Trinity, Angelina, San Augustine, Sabine, Newton, Jasper, Tyler, Polk, San Jacinto, Montgomery, Harris, Liberty, Hardin, Orange, Jefferson, Chambers, Galveston.

State District No. 5, comprising fifty-one (51) counties: Wilbarger, Wichita, Clay, Montague, Cooke, Grayson, Fannin, Hunt, Collin, Denton, Wise, Jack, Archer, Taylor, Knox, Haskell, Stephens, Throckmorton, Young, Jones, Shackelford, Palo Pinto, Rockwall, Kaufman, Ellis, Parker, Tarrant, Dallas, Johnson, Hood, Somervell, Erath, Eastland, Callahan, Coleman, Brown, Comanche, Mills, Hamilton, Bosque, Hill, Navarro, Limestone, McLennan, Falls, Milam, Bell, Williamson, Burnet, Lampasas, Coryell.

B. The Commissioners Court of each county within thirty (30) days after this Act becomes effective, shall call a meeting or convention of the landowners in each precinct at a place and time for each precinct to be designated by the Commissioners Court, for the purpose of electing a member of the County Soil Conservation Advisory Committee. A majority of the landowners in such precinct present at such meeting shall be necessary to elect such member of the County Soil Conservation Advisory Committee. Each member so elected shall be a landowner of the precinct from which he is elected and shall be actively engaged in the business of farming or animal husbandry.

The Commissioner of each precinct shall act as Chairman of the meeting in such precinct. If said Commissioner is absent the landowners of such precinct present shall elect an acting Chairman from among their number who shall preside at said meeting.

The name of the members so elected shall be certified to the County Judge who shall, within five (5) days, officially notify the person so elected that he has been elected as a member of such Advisory Committee.

The County Soil Conservation Advisory Committee shall select one of its members as Chairman, who shall have authority to cast an additional vote in case of a tie and shall be charged with the usual and customary duties of a presiding officer. A majority of the members shall constitute a quorum and the concurrence of a majority of such quorum in any

matter within their jurisdiction shall be required for final determination.

Vacancies upon the County Soil Conservation Advisory Committee shall be filled for an unexpired term, or for a full term, by the same manner in which the retiring members were respectively selected.

Members of a County Soil Conservation Advisory Committee shall receive no compensation for their services except the delegate to the District Convention who shall receive the amount incurred as necessary expenses and Four Dollars (\$4) per day not to exceed two (2) days to be paid by the State Soil Conservation Board created herein.

The first County Soil Conservation Advisory Committee elected in each county shall be elected to serve as follows:

1. Precincts 1 and 3 in each county shall each elect a Committee member to serve for a period ending the first Tuesday in January, 1940, or until their successors are elected and have qualified. Biennially thereafter on the first Tuesday in January new members shall be elected as hereinabove provided and shall serve for a term of two (2) years.

2. Precincts 2 and 4 in each county shall each elect a Committee member to serve for a period ending the first Tuesday in January, 1941, or until their successors are elected and have qualified. Biennially thereafter on the first Tuesday in January new members shall be elected as hereinabove provided and shall serve for a term of two (2) years.

C. The County Soil Conservation Advisory Committee in each county shall elect one of its number as a delegate to attend the State District Conservation Convention which shall be held within each State District, at a time and place designated by the Governor of the State of Texas, said date to be not later than forty-five (45) days after the effective date of this Act, and each State District Convention shall elect from among the qualified delegates present, by a majority vote, a member of the State Soil Conservation Board. A majority of all county delegates elected to the State District Convention shall constitute a quorum.

State Districts 1, 3 and 5 shall each elect a Board member to serve on the State Soil Conservation Board

for a period ending the first Tuesday in February, 1942, or until their successors are elected and have qualified. Biennially thereafter on the first Tuesday in February, at a place within the District to be designated by the Governor of the State of Texas, new Board members shall be elected as hereinabove provided and shall serve for a term of two (2) years, or until their successors are elected and have qualified.

State Districts 2 and 4 shall each elect a Board member to serve on the State Soil Conservation Board for a period ending the first Tuesday in February, 1941, or until their successors are elected and have qualified. Thereafter on the first Tuesday in February, at a place within the district to be designated by the Governor of the State of Texas, new members shall be elected as hereinabove provided to serve for a term of two (2) years or until their successors are elected and have qualified.

D. The State Soil Conservation Board shall meet to organize at a time and place to be designated by the Governor of Texas, within ten (10) days following the election of such members, and shall thereafter meet from time to time as necessary. Each member of the State Soil Conservation Board shall take the State Constitutional Oath of office, and said State Soil Conservation Board shall designate one of its elective members to serve as Chairman and may from time to time change such designation.

Vacancies upon such Board shall be filled for an unexpired term or for a full term, by the same manner in which the retiring members were respectively elected. Elective members of the Board may receive compensation for their services on the Board, not to exceed the sum of Ten Dollars (\$10) per diem for each day of actual service rendered, but each member shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties as members of the Board.

E. A majority of the elective members of the State Soil Conservation Board shall constitute a quorum and the concurrence of a majority of the elective members in any matter within their duties shall be required for its determination. The State

Board shall keep a complete and accurate record of all its official actions, hold such public hearings at such times and places within the State as may be determined by the Board, and shall promulgate such rules and regulations as may be necessary for the performance of the functions of said Board under the provisions of this Act. The Board shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property, which bonds shall be executed by some solvent company authorized to transact a surety business in this State.

F. The State Soil Conservation Board may employ an administrative officer and such other agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation, according to the terms and amounts as specified in the general appropriation bills. The Board may call upon the Attorney General of the State for such legal services as it may require, or may employ its own counsel and legal staff. It shall have authority to delegate to its Chairman, to one or more of its members, or to one or more agents or employees, such powers and duties as it may deem proper. It shall have authority to locate its office at a point to be selected by the Board.

G. In addition to the duties and powers hereinafter conferred upon the State Soil Conservation Board, it shall have the following duties and powers:

(1) To offer such assistance as may be appropriate to the supervisors of Soil Conservation Districts, organized as provided hereinafter, in the carrying out of any of the powers and programs.

(2) To coordinate the programs of the several Soil Conservation Districts organized hereunder so far as this may be done by advice and consultation.

(3) To secure the cooperation and assistance of the United States and any of its agencies, and of agencies of this State, in the work of such districts.

(4) To disseminate information throughout the State concerning the activities and programs of the Soil Conservation Districts organized

hereunder, and to encourage the formation of such districts in areas where their organization is desirable.

H. The State Treasurer shall have the care and custody of all funds and securities of the State Board and shall be liable on his official bond for the lawful care, custody, application and disbursement thereof. Any funds coming into the hands of the Treasurer of this State, as hereinafter provided, shall be by him credited to a special fund to be known as the State Soil Conservation Fund and the moneys hereafter deposited or credited in such fund are hereby appropriated to the use and benefit of the State Soil Conservation Board, as may be by said Board used in compliance with this Act. The Board shall provide and furnish a biennial audit by a State Auditor and Efficiency Expert and a report to the Governor of the State.

#### Sec. 5. Creation of Soil Conservation Districts.

A. Any fifty (50) or a majority of the landowners within the limits of that territory proposed to be organized into a district may file a petition with the State Soil Conservation Board asking that a Soil Conservation District be organized to function in the territory described in the petition. Such petition shall set forth:

(1) The proposed name of said district;

(2) That there is need, in the interest of the public health, safety, and welfare, for a Soil Conservation District to function in the territory described in the petition;

(3) A description of the territory proposed to be organized as a district, which description shall not be required to be given by metes and bounds or by legal subdivisions, but shall be deemed sufficient if generally accurate; provided that no such district shall exceed in total area three thousand (3,000) square miles;

(4) A request that the State Soil Conservation Board duly define the boundaries of such district; that an election be held within the territory so defined on the question of the creation of a Soil Conservation District in such territory; and that the Board determine that such a district be created.

Where more than one petition is filed covering parts of the same territory, the State Soil Conservation Board may consolidate all or any such petitions.

B. Within thirty (30) days after such a petition has been filed with the State Soil Conservation Board, it shall cause due notice to be given of a proposed hearing upon the question of the desirability and necessity, in the interest of the public health, safety, and welfare, of the creation of such district, upon the question of the appropriate boundaries to be assigned to such district, upon the property of the petition and other proceedings taken under this Act, and upon all questions relevant to such inquiries. All owners of land within the limits of the territory described in the petition, and of lands within any territory considered for addition to such described territory, and all other interested parties, shall have the right to attend such hearings and to be heard. If it shall appear upon the hearing that it may be desirable to include within the proposed district territory outside of the area within which due notice of the hearing has been given, the hearing shall be adjourned and due notice of further hearing shall be given throughout the entire area considered for inclusion in the district, and such further hearing held. After such hearing, if the Board shall determine, upon the facts presented at such hearing and upon such other relevant facts and information as may be available, that there is need, in the interest of the public health, safety, and welfare, for a Soil Conservation District to function in the territory considered at the hearing, it shall make and record such determination, and shall define, by metes and bounds or by legal subdivision, the boundaries of such district. In making such determination and in defining such boundaries, the Board shall give due weight and consideration to the topography of the area considered and of the state, the composition of the soils therein, the distribution of erosion, the prevailing land-use practices, the desirability and necessity of including within the boundaries the particular lands under consideration and the benefits such lands may receive

from being included within such boundaries, the relation of the proposed area to existing watersheds and agricultural regions, and to other Soil Conservation Districts already organized or proposed for organization under the provisions of this Act, and such other physical, geographical, and economic factors as are relevant, having due regard to the legislative determination set forth in Section 2 of this Act. If the Board shall determine after such hearing, after due consideration of the said relevant facts, that there is no need for a Soil Conservation District to function in the territory considered at the hearing, it shall make and record such determination and shall deny the petition. After six (6) months shall have expired from the date of the denial of any such petition, subsequent petitions covering the same or substantially the same territory may be filed as aforesaid and new hearings held and determinations made thereon.

C. After the Board has made and recorded a determination that there is need, in the interest of the public health, safety, and welfare, for the organization of a district in a particular territory and has defined the boundaries thereof, it shall consider the question whether the operation of a district within such boundaries with the powers conferred upon Soil Conservation Districts in this Act is administratively practicable and feasible. To assist the Board in the determination of such administrative practicability and feasibility, it shall be the duty of the Board, within a reasonable time after entry of the finding that there is need for the organization of the proposed district and the determination of the boundaries thereof, to hold an election within the proposed district upon the proposition of the creation of the district, and to cause due notice of such election to be given, which notice shall set forth the boundaries of the proposed district. The question shall be submitted by ballots upon which the words, "For creation of a Soil Conservation District of the lands below described and lying in the county (ies) of \_\_\_\_\_," and, "Against creation of a Soil Conservation District of the lands below

described and lying in the county (ies) of \_\_\_\_\_ and \_\_\_\_\_," shall appear. All landowners within the boundaries of the territory as determined by the State Soil Conservation Board, shall be eligible to vote in such election. Only such landowners shall be eligible to vote.

D. The Board shall pay all expenses for the issuance of such notices and the conduct of such hearings and elections, and shall supervise the conduct of such hearings and elections. It shall issue appropriate regulations governing the conduct of such hearings and elections, and providing for the registration prior to the date of the election of all eligible voters. All such elections held under the provisions of this Act shall be in conformity with the General Elections Laws of this State, except as herein otherwise provided, and except that the ballot shall not be numbered or marked for identification purposes.

E. The Board shall publish the result of such election and shall thereafter consider and determine whether the operation of the district within the defined boundaries is administratively practicable and feasible. If the Board shall determine that the operation of such district is not administratively practicable and feasible, it shall record such determination and deny the petition. If the Board shall determine that the operation of such district is administratively practicable and feasible, it shall record such determination and shall proceed with the organization of the district in the manner hereinafter provided. In making such determination the Board shall give due regard to and weight to the attitudes of the owners of lands lying within the defined boundaries, the number of resident landowners eligible to vote in such election who shall have voted, the proportion of the votes cast in such election in favor of the creation of the district to the total number of votes cast, the approximate wealth and income of the landowners of the proposed district, the probable expense of carrying on erosion-control operations within such district, and such other economic and social factors as may be relevant to such determinations, having due regard to the legislative determinations set forth in Section 2 of this Act,

provided, however, that the Board shall not have authority to determine that the operation of the proposed district within the defined boundaries is administratively practicable and feasible unless at least two-thirds of the votes cast in the election upon the proposition of creating of the district shall have been cast in favor of the creation of such district.

F. If the Board shall determine that the operation of the proposed district within the defined boundaries is administratively practicable and feasible, it shall appoint two (2) supervisors to act until their successors shall be elected as provided hereinafter. Such appointed supervisors, together with the three (3) supervisors elected in accordance with the provisions of Section 6 of this Act shall be the governing board of the district. Such district shall be a governmental subdivision of this State and a public body corporate and politic, upon the taking of the following proceedings:

The two (2) appointed supervisors shall present to the Secretary of State an application signed by them, which shall set forth and such application need contain no detail other than the mere recitals: (1) That a petition for the creation of the district was filed with the State Soil Conservation Board pursuant to the provisions of this Act, and that the proceedings specified in this Act were taken pursuant to such petition; that the application is being filed in order to complete the organization of the district as a governmental subdivision and a public body corporate and politic under this Act; and that the Board has appointed them as supervisors; (2) The name and official residence of each of the supervisors, together with a certified copy of the appointments evidencing their right to office; (3) The term of office of each of the supervisors; (4) The name which is proposed for the district; and (5) The location of the principal office of the supervisors of the district. The application shall be subscribed and sworn to by each of the said supervisors before an officer authorized by laws of this State to take and certify oaths, who shall certify upon the application that he personally knows the supervisors and knows them to be the officers as affirmed in the application and that each has subscribed thereto



in the officer's presence. The application shall be accompanied by a statement by the State Soil Conservation Board, shall certify (and such statement need contain no detail other than mere recitals) that a petition was filed, notice issued, and hearing held as aforesaid; that the Board did duly determine that there is need, in the interest of public health, safety, and welfare, for a Soil Conservation District to function in the proposed territory and did define the boundaries thereof; that notice was given and an election held on the question of the creation of such district, and that the result of such election showed a two-thirds majority of the votes cast in such election to be in favor of the creation of the district; that thereafter the Board did duly determine that the operation of the proposed district is administratively practicable and feasible. The said statement shall set forth the boundaries of the district as they have been defined by the Board.

The Secretary of State shall examine the application and statement and, if he finds that the name proposed for the district is not identical with that of any other Soil Conservation District of this State or so nearly similar as to lead to confusion or uncertainty, he shall receive and file them and shall record them in an appropriate book of record in his office. If the Secretary of State shall find that the name proposed for the district is identical with that of any other Soil Conservation District in this State, or so nearly similar as to lead to confusion and uncertainty, he shall certify such fact to the State Soil Conservation Board, which shall thereupon submit to the Secretary of State a new name for the said district, which shall not be subject to such defects. Upon receipt of such new name, free of such defects, the Secretary of State shall record the application and statement, with the name so modified, in an appropriate book of record in his office. When the application and statement have been made, filed, and recorded, as herein provided, the district shall constitute a governmental subdivision of this State and a public body corporate and politic. The Secretary of State shall make and issue to the said supervisors a certificate, under the seal of the State, of the due organization of the said

district, and shall record such certificate with the application and statement. The boundaries of such district shall include the territory as determined by the State Soil Conservation Board as aforesaid, but in no event shall they include any area included within the boundaries of another Soil Conservation District organized under the provisions of this Act.

G. After six (6) months shall have expired from the date of entry of a determination by the State Soil Conservation Board that operation of a proposed district is not administratively practicable and feasible, and denial of a petition pursuant to such determination, subsequent petition may be filed as aforesaid, and action taken thereon in accordance with the provisions of this Act.

H. Petitions for including additional territory within an existing district may be filed with the State Soil Conservation Board, and the proceedings herein provided for in the case of petitions to organize a district shall be observed in the case of petitions for such inclusion. The Board shall prescribe the form for such petitions, which shall be as nearly as may be in the form prescribed in this Act for petitions to organize a district. Where the total number of landowners in the area proposed for inclusion shall be less than fifty (50), the petition may be filed when signed by a two-thirds majority of landowners of such area, and in such case no election need be held. In election upon petitions for such inclusion, all landowners within the proposed additional area shall be eligible to vote.

I. In any suit, action, or proceeding involving the validity or enforcement of, or relating to, any contract, proceeding, or action of the district, the district shall be deemed to have been established in accordance with the provisions of this Act upon proof of the issuance of the aforesaid certificate by the Secretary of State. A copy of such certificate duly certified by the Secretary of State shall be admissible in evidence in any such suit, action, or proceeding and shall be proof of filing and contents thereof.

Sec. 6. Method of Selection, Qualifications, and Tenure of Soil Conservation District Supervisors.

Within thirty (30) days after the date of issuance by the Secretary of



State of a certificate of organization of a Soil Conservation District, nominating petitions may be filed with the State Soil Conservation Board to nominate candidates for supervisors for such districts. The Board shall have authority to extend the time within which nominating petitions may be filed. No such nominating petition shall be accepted by the Board unless it shall be subscribed by ten (10) or more landowners within the boundaries of such district. Such landowners may sign more than one such nominating petition to nominate more than one candidate for supervisor. The Board shall give due notice of an election to be held for the election of supervisors for the district.

The names of all nominees on behalf of whom such nominating petitions have been filed within the time herein designated, shall appear, arranged in the alphabetical order of the surnames, upon ballots, with a direction to the voter to indicate the voter's preference for three (3) nominees by running a line through the names of nominees he shall desire to vote against. All landowners within the district shall be eligible to vote in such election. Only such landowners shall be eligible to vote. The three (3) candidates who shall receive the largest number, respectively, of the votes cast in such election shall be the elected supervisors for such district. The Board shall pay all the expenses of such election, shall supervise the conduct thereof in conformity with the General Election Laws of this State, except as herein otherwise provided, and except that the ballots shall not be numbered or marked for identification purposes; shall prescribe regulations governing the conduct of such election and the determination of the eligibility of voters therein, and shall publish the results thereof.

The governing body of the district shall consist of five (5) supervisors, composed of the three (3) supervisors elected as provided hereinabove, together with the two (2) supervisors provided for in Section 5 of this Act by the State Soil Conservation Board to serve for one term only, after which time their successors shall be elected in the same manner as other supervisors and for regular terms. All five (5) such supervisors shall be landowners in the district from which they are

elected, and shall be actively engaged in the business of farming or animal husbandry.

The supervisors shall designate a Chairman and may, from time to time, change such designation. The term of office of each supervisor shall be three (3) years, except that the supervisors who are appointed shall be designated to serve for terms of one and two (2) years, respectively, from the date of their appointment. A supervisor shall hold office until his successor has been elected and has qualified. Vacancies shall be filled by election for the unexpired term. A majority of the supervisors shall constitute a quorum and the concurrence of a majority of the supervisors in any matter within their duties shall be required for its determination. A supervisor may receive compensation for service not to exceed Four Dollars (\$4) for each day he shall be in actual attendance upon the duties of the office within the district, not to exceed twenty (20) days in any one calendar year, and not to exceed Four Dollars (\$4) a day and necessary expenses incurred for services other than within the district, except by approval of the State Board.

The Supervisors may employ such officers, agents, and employees, permanent and temporary, as they may require, and shall determine their qualifications, duties, and compensation. The Supervisors may call upon the Attorney General of the State for such legal services as they may require. The Supervisors may delegate to their Chairman, to one or more supervisors, or to one or more agents or employees, such powers and duties as they may deem proper. The Supervisors shall furnish to the State Soil Conservation Board, upon request, copies of such ordinances, rules, regulations, orders, contracts, forms, and other documents as they shall adopt or employ, and such other information concerning their activities as it may require in the performance of its duties under this Act.

The Supervisors shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings of all resolutions, regulations,

and orders issued or adopted and shall provide for an annual audit by a Certified Public Accountant of the accounts of receipts and disbursements. The State Board may demand and pay the expenses of an audit at any time. Any supervisor may be removed by the State Soil Conservation Board upon notice and hearing, for neglect of duty or malfeasance in office or change of residence out of district but for no other reason.

The supervisor may invite the legislative body of any municipality or county located within or near the territory comprised within the district to designate a representative to advise and consult with the supervisors of the district on all questions of program and policy which may affect the property, water supply, or other interests of such municipality or county.

#### Sec. 7. Powers of Districts and Supervisors.

A Soil Conservation District organized under the provisions of this Act shall constitute a governmental subdivision of this State, and a public body corporate and politic, exercising public powers, and such district, and the supervisors thereof, shall have the following powers, in addition to others granted in other sections of this Act:

(1) To carry out preventive and control measures within the district including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of land, and the measures listed in subsection C of Section 2, of this Act, on lands owned or controlled by this State or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the owners of such lands or the necessary rights or interests in such lands;

(2) To cooperate, or enter into agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to, any agency, governmental or otherwise, or any owner of lands within the district, in the carrying on of erosion control and prevention operations within the district, subject to such conditions as the supervisors may deem neces-

sary to advance the purpose of this Act;

(3) To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, any property, real or personal, or rights or interests therein; to maintain, administer, and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of this Act; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and the provisions of this Act;

(4) To make available, on such terms as it shall prescribe to landowners within the districts, agricultural and engineering machinery and equipment, fertilizer, seeds, and seedlings, and such other material or equipment, as will assist such landowners to carry on operations upon their lands for the conservation of soil resources and for the prevention and control of soil erosion;

(5) To construct, improve, and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized by this Act;

(6) To develop comprehensive plans for the conservation of soil resources and for the control and prevention of soil erosion within the district, which plans shall specify in such detail as may be possible, the acts, procedures, performances, and avoidances which are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in use of land; and to publish such plans and information and bring them to the attention of owners of lands within the district;

(7) To take over, by purchase, lease, or otherwise, and to administer, any soil conservation, erosion control, or erosion prevention project located within its boundaries undertaken by the United States or any of its agencies, or by this State or any of its agencies; to manage, as agent of the United States or any of its agencies, or of this State or any of its agencies, any soil conservation, erosion control, or erosion preven-

tion project within its boundaries; to act as agent for the United States, or any of its agencies, or for this State or any of its agencies, in connection with the acquisition, construction, operation, or administration of any soil conservation, erosion control, or erosion prevention project within its boundaries; to accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, or from this State or any of its agencies, and to use or expend such moneys, services, materials, or other contributions in carrying on its operations;

(8) To sue and be sued in the name of the district; to have a seal, which seal shall be judicially noticed; to have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments, necessary or convenient to the exercise of its powers, to make, and from time to time amend and repeal, rules and regulations not inconsistent with this Act, to carry into effect its purposes and powers;

(9) As a condition to the extending of any benefits under this Act to, or the performance of work upon, any lands not owned or controlled by this State or any of its agencies, the Supervisors may require contributions in the form of services, materials, or otherwise to any operation conferring such benefits, and may require landowners to enter into and perform such agreements or covenants as to the permanent use of such lands as will tend to prevent or control erosion thereon.

Sec. 8. Adoption of Land-Use Regulations. The Supervisors of any district shall have the authority to formulate regulations governing the use of lands within the district in the interest of conserving soil and soil resources and preventing and controlling soil erosion. The Supervisors may conduct such public meetings and public hearings upon tentative regulations as may be necessary to assist them in this work. The Supervisors shall not have authority to enact such land-use regulations into law until after they shall have caused due notice to be given of their intention to conduct an election for submission of such regulations to the

landowners within the boundaries of the district for their indications of approval or disapproval of such proposed regulations, and until after the Supervisors have considered the result of such election. The proposed regulations shall be embodied in a proposed ordinance. Copies of such proposed ordinance shall be available for inspection during the period between publication of such notice and the date of the election. The notices of the election shall recite the contents of such proposed ordinance, or shall state where copies of such proposed ordinance may be examined. The question shall be submitted by ballots, upon which the words "For approval of proposed Ordinance No. \_\_\_\_\_, prescribing land-use regulations for conservation of soil and prevention of erosion," and "Against approval of proposed Ordinance No. \_\_\_\_\_, prescribing land-use regulations for conservation of soil and prevention of erosion," shall appear. The Supervisors shall supervise such election, shall prescribe appropriate regulations governing the conduct thereof, and shall publish the result thereof. All landowners within the district shall be eligible to vote in conformity with the General Election Laws of this State, except as herein otherwise provided, and except that the ballot shall not be numbered or marked for identification purposes. The Supervisors shall not have authority to enact such proposed ordinance into law unless at least nine-tenths of the votes cast in such election shall have been cast for approval of the said proposed ordinance. The approval of the proposed ordinance by nine-tenths of the votes cast in such election shall not be deemed to require the Supervisors to enact such proposed ordinance into law. Land-use regulations prescribed in ordinance adopted pursuant to the provisions of this Section by the Supervisors of any district shall have the force and effect of law in the said district and shall be binding and obligatory upon all owners of land within such district.

Any owner of land within such district may at any time file a petition with the supervisors asking that any or all of the land-use regulations prescribed in any ordinance adopted by the supervisors under the provisions of this Section shall be amended,

supplemented or repealed. Land-use regulations prescribed in any ordinance adopted pursuant to the provisions of this Section shall not be amended, supplemented, or repealed except in accordance with the procedure prescribed in this Section for adoption of land-use regulations or in accordance with variances authorized in Section 10, of this Act; provided, however, that such suspension or repeal may be effected by a majority vote of the qualified voters voting at such election. Elections on adoption, amendment, supplementation, or repeal of land-use regulations shall not be held more often than once in six (6) months.

The regulations to be adopted by the supervisors under the provisions of this Section may include:

(1) Provisions requiring the carrying out of necessary engineering operations, including the construction of terraces, terrace outlets, check dams, dikes, ponds, ditches, and other necessary structures;

(2) Provisions requiring observance of particular methods of cultivation including contour cultivating, contour furrowing, lister furrowing, sowing, planting, strip cropping, seeding, and planting of lands to water-conserving and erosion-preventing plants, trees, and grasses, forestations, and reforestation;

(3) Specifications of cropping programs and tillage practices to be observed;

(4) Provisions requiring the retirement from cultivation of highly erosive areas or of areas on which erosion may not be adequately controlled if cultivation is carried on;

(5) Provisions for such other means, measures, operations, and programs as may assist conservation of soil resources, and prevent or control soil erosion in the district, having due regard to the legislative findings set forth in Section 2 of this Act.

The regulations shall be uniform throughout the territory comprised within the district except that the supervisors may classify the lands within the district with reference to such factors as soil type, degree of slope, degree of erosion threatened or existing, cropping and tillage practices in use, and other relevant factors, and may provide regulations varying with the type or class of

land affected, but uniform as to all lands within each class or type. Copies of land-use regulations adopted under the provisions of this Section shall be printed and made available to all owners and occupiers of land lying within the district.

Sec. 9 Performance of Work under the Regulations by the Supervisors. The Supervisors shall have authority to go upon any lands within the district to determine whether land-use regulations adopted under the provisions of Section 8 of this Act are being observed.

Where the Supervisors of any district shall find that any of the provisions of land-use regulations prescribed in an ordinance adopted in accordance with the provisions of Section 8 hereof are not being observed on particular lands, and that such non-observance tends to increase erosion on such lands and is interfering with the prevention or control of erosion on other lands within the district, the supervisors may present to any Court of competent jurisdiction a petition, duly verified, setting forth the adoption of the ordinance prescribing land-use regulations, the failure of the defendant to observe such regulations, and to perform particular work, operations, or avoidances as required thereby, and that such non-observance tends to increase erosion on such lands and is interfering with the prevention or control of erosion on other lands within the district, and praying the court to require the defendant to perform the work, operations, or avoidances within a reasonable time and to order that if the defendant shall fail so to perform the supervisors may go on the land, perform the work or other operations or otherwise bring the condition of such lands into conformity with the requirements of such regulations, and recover the costs and expenses thereof, with interest, from the owner of such land. Upon the presentation of such petition, the Court shall cause process to be issued against the defendant, and shall hear the case. If it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence, or appoint a referee to take such evidence as it may direct and report the same to the Court with his findings of fact and conclusions of law, which shall constitute a part of the pro-

ceedings upon which the determination of the Court shall be made. The Court may dismiss the petition; or it may require the defendant to perform the work, operations, or avoidances, and may provide that upon the failure of the defendant to initiate such performance within the time specified in the order of the Court, and to prosecute the same to completion with reasonable diligence, the supervisors may enter upon the lands involved and perform the work or operation or otherwise bring the condition of such lands into conformity with the requirements of the regulations and recover the costs and expenses thereof, from the owner of such lands, provided further that in no case shall the total charge for the work done by said supervisors or any one under them, and to be charged against said lands, ever exceed for any calendar year, ten (10%) per cent of the rendition of said lands.

The Court shall retain jurisdiction of the case until after the work has been completed. Upon completion of such work pursuant to such order of the Court the supervisors may file a petition with the Court, a copy of which shall be served upon the defendant in the case, stating the costs and expenses sustained by them in the performance of the work and praying judgment therefor with interest. The Court shall have jurisdiction to enter judgment for the amount of such costs and expenses, together with the costs of suit, including reasonable attorney's fee to be fixed by the Court. Such judgments shall be collected in the same manner as that provided for the collection of assessments in Wind Erosion Conservation Districts created by authority of House Bill No. 978, Acts of the Regular Session of the Forty-fourth Legislature of Texas.

#### Sec. 10. Board of Adjustment.

A. Where the supervisors of any district organized under the provisions of this Act shall adopt an ordinance prescribing land-use regulations in accordance with the provisions of Section 9 hereof, they shall further provide by ordinance for the establishment of a Board of Adjustment. Such Board of Adjustment shall consist of three (3) members, each to be appointed for a term of three (3) years, except that the members first appointed shall be ap-

pointed for terms of 1, 2, and 3 years, respectively. The members of each such Board of Adjustment shall be appointed by the State Soil Conservation Board, with the advice and approval of the supervisors of the district for which such Board of Adjustment has been established, and shall be removable, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other reason, such hearing to be conducted jointly by the State Soil Conservation Board and the supervisors of the district. Vacancies in the Board of Adjustment shall be filled in the same manner as original appointments, and shall be for the unexpired term of the member whose term becomes vacant. Members of the State Soil Conservation Board and the supervisors of the district shall be ineligible to appointment as members of the Board of Adjustment during their tenure of such other office. The members of the Board of Adjustment shall receive compensation for their services at the rate of Three Dollars (\$3) per diem for time spent on the work of the Board, in addition to expenses, including traveling expenses, necessarily incurred in the discharge of their duties. The supervisors shall pay the necessary administrative and other expenses of operation incurred by the Board of Adjustment upon the certificate of the Chairman of the said Board.

B. The Board of Adjustment shall adopt rules to govern its procedures which rules shall be in accordance with the provisions of this Act and with the provisions of any ordinance adopted pursuant to this Section. The Board shall designate a Chairman from among its members, and may, from time to time, change such designation. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Any two (2) members of the Board of Adjustment shall constitute a quorum. The Chairman, or in his absence such other member of the Board as he may designate to serve as acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board shall keep a full and accurate record of all proceedings, of all documents filed with it, and of

all orders entered, which shall be filed in the office of the Board of Adjustment and shall be a public record.

C. An owner of land within the district may file a petition with the Board of Adjustment alleging that there are great practical difficulties or unnecessary hardship in the way of his carrying out upon his lands the strict letter of the land-use regulations prescribed by ordinance approved by the supervisors, and praying the Board of Adjustments to authorize a variance from the terms of the land-use regulations in the application of such regulations to the lands owned by the petitioner. Copies of such petition shall be served by the petitioner upon the Chairman of the supervisors of the district within which his lands are located and upon the Chairman of the State Soil Conservation Board. The Board of Adjustment shall fix a time for the hearing of the petition and cause due notice of such hearing to be given. The supervisors of the district and the State Soil Conservation Board shall have the right to appear and be heard at such hearing. Any owner of lands lying within the district who shall object to the authorizing of the variance prayed for may intervene and become a party to the proceedings. Any party to the hearing before the Board may appear in person, by agent, or by attorney. If, upon the facts presented at such hearing, the Board shall determine that there are great practical difficulties or unnecessary hardships in the way of applying the strict letter of any of the land-use regulations upon the lands of the petitioner, it shall make and record such determination and shall make and record findings of fact as to the specific conditions which establish such great practical difficulties or unnecessary hardship. Upon the basis of such findings and determination, the Board of Adjustment shall have power by order to authorize such variance from the terms of the land-use regulations, in their application to the lands of the petitioner, as will relieve such great practical difficulties or unnecessary hardship and will not be contrary to the public interest, and such that the spirit of the land-use regulations shall be observed, the public health,

safety, and welfare secured, and substantial justice done.

#### Sec. 11. Cooperation Between Districts.

The supervisors of any two (2) or more districts organized under the provisions of this Act may cooperate with one another in the exercise of any or all powers conferred in this Act.

#### Sec. 12. State Agencies to Cooperate.

Agencies of this State which shall have jurisdiction, or be charged with the administration of, any State-owned lands, and of any county, or other governmental subdivision of the State, which shall have jurisdiction over, or be charged with the administration of, any county-owned or other publicly owned lands, lying within the boundaries of any district organized hereunder, shall cooperate to the fullest extent with the supervisors of such districts in the effectuation of programs and operations undertaken by the supervisors under the provisions of this Act. The supervisors of such district shall be given free access to enter and perform work upon such publicly owned lands. The provisions of land-use regulations adopted pursuant to Section 8 of this Act shall have the force and effect of law over all such publicly owned lands, and shall be in all respects observed by the agencies administering such lands.

#### Sec. 13. Discontinuance of Districts.

At any time after five (5) years after the organization of a district under the provisions of this Act, any fifty (50) landowners within the boundaries of such district may file a petition with the State Soil Conservation Board praying that the operations of the district be terminated and the existence of the district discontinued. The Board may conduct such public meetings and public hearings upon such petition as may be necessary to assist it in the consideration thereof. Within sixty (60) days after such a petition has been received by the Board it shall give due notice of the holding of an election, and shall supervise such election, and issue appropriate regulations governing the conduct thereof, the question to be submitted by ballots upon which the words, "For

terminating the existence of the \_\_\_\_\_ (name of the soil conservation district to be here inserted)," and "Against terminating the existence of the \_\_\_\_\_ (name of the soil conservation district to be here inserted)" shall appear.

All landowners within the boundaries of the district shall be eligible to vote in such election. Only such landowners shall be eligible to vote. Such elections shall be conducted in conformity with the General Election Laws of this State, except as herein otherwise provided, and except that the ballots shall not be numbered or marked for identification purposes, and provided further that the Board determine the number of persons necessary to hold such election, but in no event to be less than three (3).

Providing that the compensation of all election judges and clerks in elections provided for hereunder shall not exceed the sum of Two Dollars (\$2) a day each.

The Board shall publish the result of such election and shall thereafter consider and determine whether the continued operation of the district within the defined boundaries is administratively practicable and feasible. If the Board shall determine that the continued operation of such district is administratively practicable and feasible, it shall record such determination and deny the petition. If the Board shall determine that the continued operation of each district is not administratively practicable and feasible, it shall record such determination and shall certify such determination to the supervisors of the district. In making such determination the Board shall give due regard and weight to the attitudes of the owners of lands lying within the district, the number of landowners eligible to vote in such election who shall have voted, the proportion of the votes cast in such election in favor of the discontinuance of the district to the total number of votes cast, the approximate wealth and income of the landowners of the district the probable expense of carrying on erosion control operations within such other economic and social factors as may be relevant to such determination, having due regard to the legislative findings set

forth in Section 2 of this Act; provided, however, that the Board shall not have authority to determine that the continued operation of the district is administratively practicable and feasible unless at least a majority of the votes cast in the election shall have been cast in favor of the continuance of such district.

Upon receipt from the State Soil Conservation Board of a certification that the Board has determined that the continued operation of the district is not administratively practicable and feasible, pursuant to the provisions of this Section, the Supervisors shall forthwith proceed to terminate the affairs of the district. The Supervisors shall dispose of all property belonging to the district at public auction and shall pay over the proceeds of such sale to be covered into the State Treasury. The Supervisors shall thereupon file an application, duly verified, with the Secretary of State for the discontinuance of such district, and shall transmit with such application the certificate of the State Soil Conservation Board setting forth the determination of the Board that the continued operation of such district is not administratively practicable and feasible. The application shall recite that the property of the district has been disposed of and the proceeds paid over as in this Section provided, and shall set forth a full accounting of such properties and proceeds of the sale. The Secretary of State shall issue to the supervisors a certificate of dissolution and shall record such certificate in an appropriate book of record in his office.

Upon issuance of a certificate of dissolution under the provisions of this Section, all ordinances and regulations theretofore adopted and in force within such districts shall be of no further force and effect. All contracts theretofore entered into, to which the district or supervisors are parties, shall remain in force and effect for the period provided in such contracts. The State Soil Conservation Board shall be substituted for the district or supervisors as party to such contracts. The Board shall be entitled to all benefits and subject to all liabilities under such contracts and shall have the same right and liability to perform, to require performance, to sue and be sued thereon, and to modify or terminate such con-



tracts by mutual consent or otherwise, as the supervisors of the district would have had. Such dissolution shall not affect the lien of any judgment entered under the provisions of Section 9 of this Act, nor the pendency of any action instituted under the provisions of such Section, and the Board shall succeed to all the rights and obligations of the district or supervisors as to such liens and actions.

The State Soil Conservation Board shall not entertain petitions for the discontinuance of any district nor conduct elections upon such petitions nor make determinations pursuant to such petitions in accordance with the provisions of this Act, more often than once in five (5) years.

Sec. 14. Appropriations. There is hereby appropriated immediately out of the General Fund of the State Treasury not otherwise appropriated

a sum of Ten Thousand Dollars (\$10,000) for the expenses of creating and maintaining the State Soil Conservation Board in accordance with the terms of this Act for the remainder of the fiscal year ending August 31, 1939, such funds to be disbursed by order of the State Soil Conservation Board and the Treasurer of the State for the payment of such obligations as may be incurred by the Board in carrying out the provisions of this Act.

Sec. 14a. The several sums of money herein specified or so much thereof as may be necessary, are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the support and maintenance of the State Soil Conservation Board for the two-year period beginning September 1, 1939, and ending August 31, 1941:

	For the Year Ending	
	August 31 1940	August 31 1941
Election of State Board		
1. Salaries of delegates to 1941 District Convention .....		\$ 816.00
2. Traveling expenses for delegates not to exceed 5c per mile per delegate .....		1,020.00
3. Hotel and meals not to exceed \$3.50 per delegate per day .....		510.00
4. Convention clerical help .....		100.00
Total expenses of District Conventions 1940-1941 .....	\$ 0,000.00	\$ 2,446.00
Meetings of State Board		
5. Salaries of 5 members at \$10.00 per diem each .....	3,750.00	2,500.00
6. Traveling expenses for members not to exceed 5c per mile .....	1,000.00	1,000.00
7. Hotels and meals not to exceed \$3.50 per member .....	1,750.00	1,750.00
Total salaries and traveling expenses of Board Members .....	\$ 6,500.00	\$ 5,250.00
Administrative Expense		
8. Office rental .....	\$ 1,200.00	\$ 1,200.00
9. Light, heat, water and contingent .....	3,000.00	2,500.00
10. Office equipment and furniture .....	1,500.00	500.00
11. Stationery and printing .....	2,400.00	2,400.00
12. Telegraph and telephone .....	500.00	500.00
13. Postage and express .....	750.00	750.00
Total Administrative Expense .....	\$ 9,350.00	\$ 7,850.00
Administrative Salaries		
14. Salary of Administrative Officer .....	\$ 3,600.00	\$ 3,600.00
15. Stenographer .....	1,350.00	1,350.00
16. Stenographer .....	1,350.00	1,350.00
Total Administrative Salaries .....	\$ 6,300.00	\$ 6,300.00



		For the Years Ending	
		August 31, 1940	August 31, 1941
Expense of District Organization, Hearings, Referenda and Supervision			
17.	Publication of Notices .....	\$ 600.00	\$ 400.00
18.	Referenda .....	2,880.00	1,920.00
19.	Publication of results .....	600.00	400.00
20.	Election of District Supervisors .....	2,160.00	1,440.00
21.	Publication of results .....	600.00	400.00
22.	Salaries of District Supervisors .....	7,500.00	10,000.00
23.	Traveling expenses outside of district .....	600.00	600.00
24.	Salary of Chief Field Supervisor .....	2,750.00	2,750.00
25.	Stenotype Stenographer .....	1,800.00	1,800.00
26.	Traveling expenses of Chief .....	3,000.00	3,000.00
27.	Referenda on ordinances .....	480.00	720.00
28.	Publication of notices and results .....	480.00	720.00
29.	Boards of Adjustment, salaries .....	240.00	360.00
30.	Publication of hearing notices .....	120.00	180.00
31.	Automobile .....	900.00	
Total Expense of District Organization and Supervision .....		\$ 24,710.00	\$ 24,690.00
Total Appropriations .....		\$ 46,860.00	\$ 46,536.00
Grand Total for Biennium .....		\$93,396.00	

#### Sec. 15. Separability Clause.

If any provisions of this Act, or the application of any provision to any person or circumstance, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

#### Sec. 16. Inconsistency With Other Acts.

In so far as any of the provisions of this Act are inconsistent with the provisions of any other law, the provisions of this Act shall be controlling, except where otherwise indicated in this Act.

#### Sec. 17. Repealing and Affirming Certain Acts.

A. Senate Bill No. 227 passed by the Regular Session of the Forty-fourth Legislature, Page 504, Regular Session, is hereby repealed.

B. This Act shall not in anywise repeal House Bill No. 13, Acts of the Forty-second Legislature, Regular Session, but the same is hereby expressly preserved in accordance with terms thereof.

C. This Act shall not in anywise affect, impair, nor impinge upon the provisions of House Bill No. 978, Acts of the Regular Session of the Forty-fourth Legislature under which Wind Erosion Soil Conservation Districts

have been created or may hereafter be created, but the same is expressly preserved in accordance with the terms thereof. The State Soil Conservation Board shall have authority, working with the governing bodies of the Wind Erosion Conservation Districts, to put into operation in said Wind Erosion Conservation Districts such provisions of this Act as are not in conflict with the provisions of House Bill No. 978, Acts of the Regular Session of the Forty-fourth Legislature.

D. This Act shall not in anywise repeal Senate Bill No. 386, Acts of the Forty-fifth Legislature, Regular Session, but the same is hereby expressly preserved in accordance with terms thereof.

#### Sec. 18. Emergency Clause.

The fact that the Federal Congress is now in session, and in its deliberations will be considering appropriations of money to be used in Texas and other States for the conservation of soil and water, for the control of floodwaters and the abatement of injuries caused thereby, and other measures intended to conserve the natural resources of the several States, coupled with the serious condition of erosion and the lack of effective means of conserving soil and water resources in the State of Texas,

creates an imperative public necessity that the Constitutional Rule requiring that bills should be read on three several days in each House, be, and it is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

Mr. Ragsdale moved that the report be adopted.

Mr. Bradbury moved, as a substitute motion, that the report be not adopted and same be sent back to the Conference Committee for further consideration.

(Pending consideration of the Conference report, Mr. Little occupied the Chair temporarily.)

(Speaker in the Chair.)

Mr. Ragsdale moved to table the substitute motion by Mr. Bradbury.

Mr. Baker of Grayson moved the previous question on the motion by Mr. Ragsdale, and the substitute motion by Mr. Bradbury, and the main question was ordered.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

#### Yeas—65

Allen	Hankamer
Bailey	Hardeman
Baker	Harper
of Fort Bend	Harrell of Bastrop
Bell	Heflin
Boyd	Holland
Boyer	Isaacks
Bradford	Johnson of Tarrant
Bray	Kersey
Broadfoot	Kinard
Brown of Cherokee	King
Burney	Leyendecker
Cauthorn	Lock
Chambers	Loggins
Clark	London
Cleveland	McAlister
Cockrell	McFarland
Coleman	McMurry
Colson, Mrs.	McNamara
Cornett	Montgomery
Daniel	Ragsdale
Dickison	Reader of Bexar
Dwyer	Reaves
Faulkner	Rhodes
Fielden	Riviere
Fuchs	Schuenemann
Gordon, Mrs.	Shell
Hale	Skiles
Hamilton	Smith of Frio

Stinson  
Stoll  
Tarwater  
Voigt

Waggoner  
Wilson  
Winfree  
Wood

#### Nays—61

Alsup	Mays
Anderson	McDonald
Baker of Grayson	Mohrmann
Bradbury	Morris
Bridgers	Newell
Brown	Oliver
of Nacogdoches	Pace
Bundy	Piner
Burkett	Pope
Corry	Reader of Erath
Crossley	Reed
Davis of Jasper	Roach
Davis of Upshur	Roberts
Dean	Robinson
Derden	Russell
Donaghey	Segrist
Ferguson	Smith of Hopkins
Galbreath	Spencer
Goodman	Talbert
Hardin	Taylor
Harp	Tennant
Harrell of Lamar	Thornberry
Harris	Thornton
Howington	Turner
Hunt	Vale
Johnson of Ellis	Vint
Kennedy	Weldon
Kern	Westbrook
Kerr	White
Lehman	Wright
Little	

#### Present—Not Voting

Colquitt

#### Absent

Blankenship	Langdon
Bond	Leonard
Celaya	McDaniel
Dickson	Monkhouse
Felty	Nicholson
Gilmer	Pevehouse
Hartzog	Smith
Howard	of Matagorda
Hull	Worley

#### Absent—Excused

Allison	Petsch
Dowell	Wells
Keith	

The report was then adopted by the following vote:

#### Yeas—101

Allen	Alsup
Allison	Anderson

Bailey	Johnson of Ellis
Baker	Johnson of Tarrant
of Fort Bend	Kerr
Baker of Grayson	Kersey
Bell	Kinard
Blankenship	King
Bond	Langdon
Boyd	Leonard
Boyer	Leyendecker
Bradbury	Lock
Bradford	Loggins
Bridgers	London
Broadfoot	McAlister
Brown of Cherokee	McDaniel
Brown	McFarland
of Nacogdoches	McMurry
Bundy	McNamara
Burney	Mohrmann
Cauthorn	Monkhouse
Celaya	Montgomery
Chambers	Nicholson
Clark	Pace
Cleveland	Pevehouse
Cockrell	Ragsdale
Coleman	Reader of Bexar
Colson, Mrs.	Reaves
Cornett	Reed
Corry	Rhodes
Daniel	Riviere
Dickison	Roach
Dickson	Schuenemann
Donaghey	Segrist
Dwyer	Shell
Faulkner	Skiles
Ferguson	Smith of Frio
Fielden	Smith
Fuchs	of Matagorda
Gilmer	Stinson
Gordon, Mrs.	Stoll
Hale	Tarwater
Hamilton	Thornberry
Hankamer	Turner
Hardeman	Vale
Harp	Voigt
Harper	Waggoner
Harrell of Bastrop	White
Hartzog	Wilson
Heflin	Winfree
Holland	Wood
Hull	Worley
Isaacks	Wright

Nays—38

Bray	Harrell of Lamar
Burkett	Harris
Colquitt	Howington
Crossley	Hunt
Davis of Jasper	Kennedy
Davis of Upshur	Kern
Dean	Lehman
Derden	Little
Galbreath	Mays
Hardin	McDonald

Morris	Smith of Hopkins
Newell	Spencer
Oliver	Talbert
Piner	Taylor
Pope	Tennant
Reader of Erath	Thornton
Roberts	Vint
Robinson	Weldon
Russell	Westbrook

Absent

Felty	Howard
Goodman	

Absent—Excused

Dowell	Petsch
Keith	Wells

Mr. Ragsdale moved to reconsider the vote by which the report was adopted, and to table the motion to reconsider.

The motion to table prevailed.

#### REASON FOR VOTE

Voted "nay", the traveling expense as allowed is 5c per mile and all allowances are too high, and the bill gives the right to take a lien against a homestead.

#### HOWINGTON.

#### MESSAGE FROM THE SENATE

Austin, Texas, April 11, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following,

H. B. No. 391, A bill to be entitled "An Act regulating the taking of fish and shrimp in the tidal waters of this State; providing that it shall be lawful to use strike nets, gill nets, trammel nets or shrimp trawls in the open waters of East Galveston Bay in the Counties of Galveston and Chambers, and in certain waters of Galveston Bay, during the period beginning August 15, and ending May 15 of each year, and declaring an emergency."

S. C. R. No. 17, Giving the Board of Control authority to place a vending stand in the Capitol.

H. C. R. No. 88, Authorizing the Enrolling Clerk of the House to correct House Bill No. 444.

S. B. No. 24, A bill to be entitled "An Act amending Subdivision (a) of Section 9 of Article IV of Chapter 495 of the Acts of the Third Called

Session of the Forty-fourth Legislature, so as to limit the operation of said subdivision to purchase money notes and obligations secured by any written instruments evidencing a lien or retention of title which are filed or recorded in the office of the county clerk under the registration laws of this State, and to exempt from its provision notes and obligations or instruments securing same taken by or on behalf of the State of Texas or any corporate agency of instrumentality of the State of Texas, in carrying out a governmental purpose as expressed in any Act of the Legislature of the State of Texas, and declaring an emergency."

S. B. No. 177, A bill to be entitled "An Act to amend Article 3118 of Revised Civil Statutes of 1925, Article 3134 of Revised Civil Statutes of 1925, and Article 3139, as amended by Senate Bill No. 60, Chapter 15, Acts of the First Called Session of the Fortieth Legislature, as amended by Senate Bill No. 153, Chapter 264, Acts of the Regular Session of the Forty-fifth Legislature, so as to provide for the equal representation of men and women on political party precinct, county and State conventions and executive committees; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Respectfully,  
BOB BARKER,  
Secretary of the Senate.

#### APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 142

Mr. Wood moved to reconsider the vote by which the House concurred in Senate amendments to House Bill No. 142.

The motion to reconsider prevailed.

Mr. Wood then withdrew the motion that the House concur in the Senate amendments.

Mr. Wood then moved that the House do not concur in the Senate amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

In accordance with the above action the Speaker announced the ap-

pointment of the following Conference Committee on House Bill No. 142: Messrs. Wood, Thornton, McNamara, McAlister and Morris.

#### RECALLING HOUSE BILL NO. 683 FROM THE GOVERNOR

Mr. Kinard offered the following resolution:

H. C. R. No. 91, Recalling House Bill No. 683 from the Governor.

Whereas, House Bill No. 683 is now in the Governor's office; and

Whereas, It is necessary for said bill to be returned to the House for correction; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Governor's office be requested to return said bill to the House for further consideration.

The resolution was read second time, and was adopted.

#### ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 194

Mr. Dean submitted the following Conference Committee Report on House Bill No. 194:

Austin, Texas, April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House.

Sirs: We, your Conference Committee, to whom was referred House Bill No. 194, appointed to adjust the differences between the two Houses on House Bill No. 194, beg to recommend that said bill be passed in the form and text as submitted herewith.

Respectfully submitted,

SPEARS,  
HARDIN,  
KELLEY,  
PACE,

On the part of the Senate.

DEAN,  
KERSEY,  
MORRIS,  
DICKISON of Bexar,  
KINARD,

On the part of the House.

H. B. No. 194

A BILL

To Be Entitled

An Act defining "Barber Board; authorizing the State Board of Bar-

ber Examiners to approve agreements fixing minimum prices for barber services; providing for agreements to be submitted by eighty-five (85) per cent of the licensed barbers in any one county of the State; providing the minimum for haircuts shall not exceed Forty (40) Cents; providing for orders of the Board to remain in effect until replaced by new agreements; providing for the State Board to adopt and enforce rules and orders necessary to administer the Act; providing for the posting of rules or orders; providing for deviation from established minimum by certain barbers; providing for practice and procedure of the Board with respect to investigations; providing for treatment by the Board of violations of this Act; providing for the Board to administer and enforce the provisions of this Act; providing nothing in this Act shall effect any regulation of the State Board of Health or authority now vested in State Bureau of Labor Statistics; regulating barber schools or barber colleges; providing a penalty for violating the provisions of this Act; providing for refusal to grant a license or for suspension or revocation of licenses by the Board; providing for appeal from action of the Board; providing for the payment of expenses of administration of this Act; providing for fees for permits and placing such fees in a special enforcement fund; providing that the provisions of this Act shall be cumulative; providing a saving clause; repealing all laws in conflict herewith; providing this Act shall not be construed as an amendment to, nor in any manner repealing, the Anti-trust laws of this State or the United States; and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. As used in this Act, unless otherwise expressly stated, or unless the content or subject matter otherwise requires, "Barber Board" or "Board" shall mean the State Board of Barber Examiners.

Sec. 2. Whenever a scale of minimum prices for barber services shall have been agreed upon, signed, and submitted to the State Board of Barber Examiners by organized and rep-

resentative groups of barbers of at least eighty-five (85) per cent of the licensed barbers in any county of this State, the State Board of Barber Examiners shall have power to approve or disapprove such agreements and to declare and establish within such county, by official order, the minimum prices for any and all work or service usually performed in barber shops.

Sec. 3. All orders of the Board approving schedules of prices to be charged for barber service, as herein provided, shall remain in force and effect unless rescinded, modified, or replaced by a new agreement approved and promulgated by the Board, after being signed and submitted under the procedure provided in Section 2 of this Act.

Sec. 3a. Provided the minimum price so set shall never exceed Forty (40) Cents per haircut.

Sec. 4. The State Board of Barber Examiners shall adopt and enforce all rules and orders necessary to carry out the provisions of this Act. All rules and orders of the Board shall be printed and posted for public inspection in the office of the Secretary of the Board, including all minimum price agreements which have been approved and promulgated by the Board. Notice shall likewise be mailed to each and every barber shop affected by said rule and/or order.

The posting in the main office of the Secretary of the Board of any rule or order not herein required to be served upon any person shall constitute due and sufficient notice to all persons affected by such rule or order and shall be binding upon them.

Sec. 5. All barbers in business anywhere in the State other than within the corporate limits, or within two (2) miles thereof, of all cities of one thousand (1,000) or more population according to the last preceding Federal Census shall be allowed to deviate not more than twenty-five (25) per cent from the minimum as established by the barbers of that particular county.

Sec. 6. The practice and procedure of the Board with respect to any investigation authorized by this Act shall be in accordance with rules and regulations to be promulgated by the Board, which shall provide

for a reasonable notice to all persons affected by orders to be made by the Board after such investigation, and opportunity to be heard either in person or by counsel, and to introduce testimony in their behalf at any public hearing to be held for the purpose.

For the purpose of such investigation, or any hearing which the Board is authorized or required to conduct, the Board or any member thereof, and its Secretary shall have power to conduct such hearing, administer oaths, take depositions, issue subpoenas, compel the attendance of witnesses and the production of books, papers, documents, and other evidence. In case of disobedience of any person to comply with the order of the Board, or a subpoena issued by the Board or any of its members or its Secretary, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, the Judge of any District Court of the county in which the person resides, on application of any member of the Board or its Secretary, shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience of a subpoena issued from such Court, or a refusal to testify therein. The Sheriff of the county in which such person resides shall serve all orders and subpoenas herein referred to, and each witness who appeared in obedience to subpoenas before the Board, or member, or its Secretary, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in the District Courts of this State, which shall be paid upon presentation of proper vouchers, approved by any two (2) members of the Board. No witness subpoenaed at the instance of a party, other than the Board or one of its members, or its Secretary, shall be entitled to compensation unless the Board shall certify that his testimony was material to the matter investigated.

Sec. 7. The State Board of Barber Examiners shall have the authority to bring an injunction suit in the District Court in the county of the residence of the defendant against any person who is violating any provision of the Barber Law or any order of the Barber Board issued by authority of this Act.

Sec. 8. The State Board of Barber Examiners is hereby vested with such general powers as are necessary for administering and enforcing this Act; provided, however, that nothing contained in this Act shall be construed to affect the status, force, or operation of any regulations of the State Board of Health or of any local health ordinance or regulation, or to affect the authority now vested in the Bureau of Labor Statistics of the State of Texas.

Sec. 9. The provisions of this Act shall apply to and be binding upon all persons to whom, under any other laws of this State, the State Board of Barber Examiners is authorized to issue licenses or certificates of registration, including barbers, barber apprentices, and haircutters in beauty shops and hairdressing establishments, as defined in such laws; provided, however, the provisions of this Act shall not apply to the duly authorized barber schools or barber colleges, except that it shall be unlawful for any approved school or college to charge or allow its students to charge less than one-half the minimum price as approved under the provisions of this Act, and provided that no charge shall be made for service or materials in the beginners' department of any barber school or college.

Sec. 10. That a violation of any provision of this Act, or any rule or order of the Board lawfully made pursuant thereto, except as otherwise expressly provided by this Act, shall be a misdemeanor punishable, upon conviction, by a fine of not less than Ten Dollars (\$10) and not exceeding Two Hundred Dollars (\$200), or by imprisonment not exceeding six (6) months, or both such fine and imprisonment, and each day during which such violation shall continue shall be deemed a separate violation.

Sec. 11. That the Board may decline to grant a barber's, or hair-cutter's, or other license, or may suspend or revoke such license if already granted, upon due notice and opportunity of hearing to the applicant or licensee when satisfied that any such person has violated any of the provisions of this Act. Any applicant or licensee considering himself aggrieved by any action of the Board, taken under the provisions of this Act, may, within twenty (20) days after receipt of the order of the

Board, take an appeal from the action of the Board to the District Court of the county in which such persons resides, which Court shall have jurisdiction to reverse, vacate, or affirm the order complained of, if such Court is of the opinion that such order was unlawful or unreasonable. No proceeding to vacate or reverse a final order rendered by the Board shall operate to stay the execution or effect thereof, unless the District Court or a Judge thereof in vacation or in term time, on application, shall allow such stay, in which event the petitioner shall be required to execute a bond in such sum as the Court may prescribe, with sufficient surety to the satisfaction of the Court, conditioned for the prompt payment of all damage arising from or caused by the delay in the enforcement of the order complained of.

Any order applying only to a person or persons named therein shall be served by registered mail, return receipt demanded, or by delivery by any authorized inspector, constable, or sheriff.

Sec. 12. That all expenses incidental to the administration of this Act shall be paid from the funds of the State Board of Barber Examiners in the manner and form governing other expenditures of that Board.

Sec. 13. Every licensed barber, barber apprentice, and haircutter practicing in any county of this State in which minimum price agreements are operative under this Act shall procure an annual permit to practice under any such agreement from the State Board of Barber Examiners. The permit shall expire with the expiration of any such agreement and shall not be transferable. The annual fee for permits shall be Two Dollars and Fifty Cents (\$2.50) and shall be paid within thirty (30) days after the approval of any such agreement, and thereafter on or before each anniversary date of the approval by the Board of any such agreement, and upon failure to do so, after ten day's notice in writing, the license of any such person may be suspended, upon order of the Board, until such fee is paid.

All fees collected under this Act shall be placed in the State Treasury to the credit of a special fund to be known as "Special Enforcement

Fund," and all of the current revenues derived, to be placed to the credit of said Fund during the two (2) years ending August 31, 1941, are hereby appropriated and shall be used by the State Board of Barber Examiners and under its direction in the enforcement of this Act.

Sec. 14. The provisions of this Act shall be cumulative of all other provisions of the Civil Statutes, the Penal Code, and the Code of Criminal Procedure of the State of Texas, and the remedies herein provided shall be cumulative of all other remedies provided in the Civil Statutes, the Penal Code, and the Code of Criminal Procedure of the State of Texas.

Sec. 15. If any Article, section, subsection, sentence, clause, or phrase of this Act is, for any reason, held to be unconstitutional, such decision shall not affect the validity of any remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one of the sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

Sec. 16. All laws or parts of laws in conflict with any provisions of this Act are hereby expressly repealed.

Sec. 17. Nothing in this Act shall ever be construed as amending, modifying, suspending, or repealing any of the laws of this State defining and prohibiting trusts, monopolies, and conspiracies against trade, with particular reference to Chapter 3, Title 19, Penal Code of this State and Title 126, Revised Civil Statutes of Texas, 1925; and should this Act in any manner conflict with or alter, repeal, change, modify or affect or attempt to alter, repeal, change, modify or affect the above mentioned statutes or any sentence, section, clause, phrase or word thereof, this Act shall fall and be held for naught.

Sec. 18. The fact that there is at present no law regulating the minimum prices of barber shops, and the fact that a condition exists in the barber business or profession which is creating an unfair, demoralizing, and uneconomic competition and practice in this State, which is resulting in price cutting to the extent of limiting and preventing barbers from rendering safe and healthful service to the public, and is causing

to be created an insanitary condition, create an emergency and an imperative public necessity that the Constitutional Rule requiring all bills to be read on three separate days in each House be and the same is hereby suspended, and that this Act take effect and be enforced from and after its passage, and it is so enacted.

On motion of Mr. Dean, the report was adopted by the following vote:

## Yeas—106

Allen	Kinard
Anderson	King
Bailey	Langdon
Baker	Leonard
of Fort Bend	Leyendecker
Baker of Grayson	Little
Bell	Lock
Blankenship	Loggins
Bond	Mays
Boyd	McAlister
Boyer	McDaniel
Bradbury	McDonald
Bradford	McFarland
Broadfoot	McMurry
Brown of Cherokee	McNamara
Bundy	Mohrmann
Burkett	Monkhouse
Burney	Montgomery
Cauthorn	Morris
Chambers	Newell
Clark	Oliver
Cleveland	Pace
Cockrell	Pevehouse
Coleman	Pope
Colquitt	Reader of Bexar
Crossley	Reader of Erath
Dean	Reed
Derden	Riviere
Dickison	Roach
Dickson	Roberts
Donaghey	Robinson
Faulkner	Russell
Ferguson	Schuenemann
Fielden	Segrist
Galbreath	Shell
Hale	Skiles
Hamilton	Smith of Frio
Hardeman	Smith of Hopkins
Hardin	Spencer
Harp	Stinson
Harper	Stoll
Harrell of Bastrop	Talbert
Harrell of Lamar	Tarwater
Harris	Taylor
Hartzog	Tennant
Heflin	Thornberry
Hunt	Thornton
Johnson of Ellis	Vale
Johnson of Tarrant	Vint
Kennedy	Voigt
Kerr	

Waggoner  
White  
Wilson

Winfree  
Wood  
Worley

## Nays—17

Alsup	Kern
Bridgers	Lehman
Cornett	Piner
Daniel	Rhodes
Davis of Jasper	Turner
Davis of Upshur	Weldon
Hankamer	Westbrook
Howington	Wright
Isaacks	

## Present—Not Voting

Brown  
of Nacogdoches

## Absent

Bray	Holland
Celaya	Howard
Colson, Mrs.	Hull
Corry	Kersey
Dwyer	London
Felty	Nicholson
Fuchs	Ragsdale
Gilmer	Reaves
Goodman	Smith
Gordon, Mrs.	of Matagorda

## Absent—Excused

Allison	Petsch
Dowell	Wells
Keith	

Mr. Dean moved to reconsider the vote by which the report was adopted, and to table the motion to reconsider.

The motion to table prevailed.

## HOUSE BILL NO. 180 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as postponed business, on its passage to engrossment,

H. B. No. 180, A bill to be entitled "An Act to amend Chapter 23 of the Acts of the Third Called Session of the Thirty-sixth Legislature of the State of Texas, same being an Act entitled: 'An Act to aid the City of Rockport in constructing seawalls, breakwaters, revetments and shore protections by donating to the city the ad valorem taxes to be collected by the State of Texas on all property and from all persons owning property situated in Aransas County, Texas, for a period of twenty years, and to authorize said city to issue bonds for



the purpose mentioned, and to provide a penalty for the misapplication of funds raised therefrom and to declare an emergency,' By extending the provisions of said Act for a period of 40 years from September 1st, 1920 and to aid the City of Rockport to pay interest and sinking funds upon outstanding bonds heretofore issued, the proceeds of which have been used exclusively in constructing and maintaining seawalls, breakwaters and shore protection to protect the City of Rockport and to issue bonds for the purpose of constructing seawalls, breakwaters, revetments and shore protection to protect said City of Rockport."

The bill having heretofore been read second time.

Question—Shall House Bill No. 180 pass to engrossment?

#### BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

S. C. R. No. 33, Authorizing the loan of certain Highway equipment.

S. C. R. No. 35, Authorizing certain correction in Senate Bill No. 69.

S. C. R. No. 18, To grant John Bagwell and wife permission to sue the State.

S. C. R. No. 34, Expressing appreciation of the State to editors of Life magazine.

H. C. R. No. 86, Inviting the choir of the Texas State College for Women to give a concert before the Legislature.

H. C. R. No. 88, Authorizing certain correction in House Bill No. 444.

H. C. R. No. 44, To grant permission to sue the State.

H. C. R. No. 87, Authorizing certain correction in House Bill No. 310.

H. B. No. 74, "An Act creating a State Bar, constituting it an administrative agency of the Judicial Department of the State, defining the powers thereof, prescribing the membership thereof, and prohibiting those not members from practicing law; empowering the Supreme Court to adopt and promulgate rules and regulations for the admission to the practice of

law, disciplining, suspending, and disbarring attorneys at law; for the conduct of the State Bar; prescribing a code of ethics governing the conduct of the members prescribing and limiting the fees to be paid by members, collection and disbursement thereof; preserving the right of trial by jury in disbarment proceedings; providing for repeal of all laws in conflict, and declaring an emergency."

H. B. No. 720, "An Act to amend Article 4595, Title 73 of the Revised Civil Statutes of Texas, 1925, relating to sales to satisfy liens of hotel and boarding house proprietors and innkeepers, and declaring an emergency."

S. B. No. 335, "An Act providing for additional return and appearance days for civil citations, writs, process and causes of action, in District Courts in each Judicial District of this State composed of two or more counties, each county thereof having two terms of court, such terms continuing for twenty-six weeks; providing and prescribing procedure, and declaring an emergency."

S. B. No. 250, "An Act to authorize any county, one or more of the boundaries of which is coincident with any part of the International Boundary between the United States and Mexico, or any county contiguous to any county of such described class, which may have entered into an agreement with the United States to acquire and upon request convey to the United States land or interest in land desired by the United States in aid of navigation, irrigation, flood control or improvement of water courses, and in order to accomplish the purposes specified in Article 5242 of the 1925 Revised Statutes of Texas, upon request of the United States, to secure by gift, purchase or by condemnation, said land or interest therein, for ultimate conveyance to the United States and to pay for the same out of any special flood control fund or any available county funds; providing for the method of procedure in condemnation cases, and declaring an emergency."

S. B. No. 107, "An Act amending the Acts of 1931, Forty-second Legislature, page 450, Chapter 270, relating to the theft of citrus fruits, and declaring an emergency."

S. B. No. 408, "An Act creating and establishing Jackson County Road District No. 11, in Jackson County under

Article 3, Section 52 of the Constitution, etc., and declaring an emergency."

S. B. No. 164, "An Act creating the Texas Coronado Quarta Centennial Commission, prescribing the duties and responsibilities of such Commission, and declaring an emergency."

S. B. No. 414, "An Act prescribing the method for annexation of unoccupied territory, etc., and declaring an emergency."

S. B. No. 20, "An Act amending Chapter 212, Section 25 of the General Laws of the Regular Session of the Fortieth Legislature, 1927, and amended by Chapter 229, Regular Session of the Forty-first Legislature, 1929, relating to overtime to be allowed prisoners in the Texas Penitentiary, providing that the General Manager shall have the authority to designate the overtime rates for special work, defining what constitutes a day in overtime work and fixing the date when this Act shall become effective, and declaring an emergency."

S. B. No. 256, "An Act authorizing towns and villages, heretofore incorporated under Chapter 12, of Title 28, Revised Civil Statutes of Texas, 1925, and amendments thereto, having an assessed valuation for taxation purposes of Five Hundred Thousand (\$500,000.00) Dollars or more, according to its latest approved tax rolls, and declaring an emergency."

S. B. No. 286, "An Act authorizing any incorporated city in this State having a population of not less than 53,000 and not more than 57,000, according to the preceding Federal Census, to create by ordinance a Municipal Retirement Board, and to adopt a plan to pay retirement allowances to retire city employees; providing for the submission to a vote of the taxpayers of any such city the question of empowering the governing body to appropriate from public revenues each year to augment the retirement fund, and declaring an emergency."

S. B. No. 193, "An Act to authorize the State Highway Commission, acting through its Chairman pursuant to order of the Commission, to convey lands or interests therein, owned by the State of Texas, acquired for use as a right-of-way for State highways in any county, one or more of the boundaries of which is coincident with any part of the International Boundary between the United States and

Mexico, or in any county contiguous to any county of such described class, which is used or proposed to be used as a part of the site for flood control works, to the United States of America, or to any county of such described class, without monetary consideration, to enable the United States to carry out the provisions of Acts of Congress, and declaring an emergency."

H. B. No. 685, "An Act to amend Section 22, Acts, 1935, Forty-fourth Legislature, First Called Session, page 1660, Chapter 427, creating the Nueces River Conservation and Reclamation District, and declaring an emergency."

#### SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 155, to the Committee on Game and Fisheries.

Senate Bill No. 131, to the Committee on Criminal Jurisprudence.

Senate Bill No. 36, to the Committee on State Affairs.

Senate Bill No. 24, to the Committee on Revenue and Taxation.

Senate Bill No. 177, to the Committee on Privileges, Suffrage and Elections.

#### HOUSE BILLS ON FIRST READING

Mr. Leyendecker asked unanimous consent, to introduce, at this time, and have placed on first reading House Bill No. 966.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, follows:

By Mr. Leyendecker and Mr. Smith of Frio:

H. B. No. 966, A bill to be entitled "An Act to provide for the appointment of a commissioner to revise and digest the General Laws of Texas, defining their powers and duties, and fixing the qualifications and compensation of said commission; directing the commission to embody the revision in their report in the form of bills, for adoption by the Legislature; authorizing the publication of the

bills, and making appropriation for the purposes defined in the Act, and declaring an emergency."

Referred to the Committee on Judiciary.

The following House Bills introduced today were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Burkett and Mr. Crossley:

H. B. No. 967, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which according to the latest Federal Census had a population of not fewer than 6,200 and not more than 6,225 whether organized under general or special law, repealing all laws in conflict herewith, both general and special, and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Reader of Erath:

H. B. No. 968, A bill to be entitled "An Act providing for more adequate and equitable salaries for County Superintendents of Public Instruction in all those counties of Texas coming within the brackets and population figures herein, specially in all those counties having not less than twenty thousand seven hundred and ninety (20,790) and not more than twenty thousand eight hundred and twenty-five (20,825) according to the last preceding Federal Census; modifying all laws or parts of laws in conflict herewith; making the Act cumulative of the general law; and declaring an emergency."

Referred to the Committee on Counties.

Mr. Heflin asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 969.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate Committee, as follows:

By Mr. Heflin:

H. B. No. 969, A bill to be entitled "An Act to amend Article 1006 of the Code of Criminal Procedure of Texas of 1925, Title 14, by providing for

the payment of expenses in extradition cases; authorizing counties to pay certain expenses; and declaring an emergency."

Referred to the Committee on Counties.

Mr. Vint asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 970.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Vint:

H. B. No. 970, A bill to be entitled "An Act providing for the election and for appointment of a special judge in Probate Court to preside when the regularly elected judge is unable or incapable of presiding, at any time during a term, in all counties, and declaring an emergency."

Referred to the Committee on Privileges, Suffrages and Elections.

## ADJOURNMENT

On motion of Mr. Westbrook, the House, at 5:20 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

## APPENDIX

### STANDING COMMITTEE REPORTS

The following committees filed favorable reports on bills, as follows:

Judiciary: House Bills Nos. 680, 956; Senate Bill No. 189.

Municipal and Private Corporations: House Bill No. 934; Senate Bills Nos. 221, 267 and 385.

Conservation and Reclamation: House Bill No. 959.

State Affairs: House Bill No. 422; and Senate Bills Nos. 190, 298 and 402.

Appropriations: House Bill No. 926.

The Committee on Constitutional Amendments filed an adverse report on House Joint Resolution No. 22.

The Committee on Liquor Traffic filed an adverse report with a minor-

ity favorable report on House Bill No. 127.

The Committee on State Affairs filed an adverse report on House Bill No. 462.

#### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 82, Directing the State Board of Cosmetology to continue its policy of refusing a license to the same party to operate both a beauty school and a beauty parlor within the same building, and providing that parties now in operation under these conditions be given due notice and requested to discontinue such practice.

Has carefully compared same and find its correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 86, Extending an invitation to the Choir of the Texas State College for Women, Denton, to appear in concert before a Joint Session of the two Houses at 11:50 a. m. on the morning of Friday, April 14, 1939, in the Hall of the House of Representatives.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 87, Authorizing the Enrolling Clerk to make certain corrections in House Bill No. 310.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 195, A bill to be entitled "An Act defining and regulating the practice of chiropody in the State of Texas; providing for the creation of the State Board of Chiropody Examiners and prescribing their powers and duties; providing for the examination and licensing of chiropodists and the recording of licenses issued to chiropodists and for the annual registration of licensed chiropodists; providing grounds upon which such licenses may be suspended or revoked and the procedure to be followed in suspending or revoking same; providing civil and criminal remedies and penalties for violation of the laws regulating the practice of chiropody and to prevent the unlawful practice of chiropody, defining certain unlawful acts and practices taking place in connection with the practice of chiropody and prescribing penalties therefor; amending Articles 4567, 4568, 4569, 4570, 4571, 4572, 4573, 4574, 4575 of the Revised Civil Statutes of 1925, and also amending Chapter 11, Title 71, Revised Civil Statutes of 1925 by adding Article 4573-a immediately after Article 4573, as amended herein, and by adding Article 4573-b immediately after Article 4573-a, and by adding Article 4575-a immediately after Article 4575, as amended herein, and amending Articles 778, 779 and 780 of the Penal Code of 1925, and also amending Chapter 11, Title 12 of the Penal Code of 1925 by adding Article 778-a immediately after Article 778, as amended herein, and by adding Article 779-a immediately after Article 779 as amended herein, and by adding Article 779-b immediately after Article 779-a, and otherwise regulating and protecting public health as dealt with by the profession of chiropody as in the Act set out; providing for reciprocity as limited in the Act and declaring certain legislative intent with respect to this Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 294, A bill to be entitled "An Act authorizing the Boards of School Trustees of independent school districts and County Boards of School Trustees to employ visiting teachers and school psychologists, setting forth qualifications of visiting teachers and school psychologists, prescribing their duties, defining their status, and prescribing how they should be paid; providing a saving clause, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 419, A bill to be entitled "An Act amending Section 3 of House Bill No. 352, of the Regular Session of the Forty-fifth Legislature, Chapter 436, page 893, exempting certain boilers from the provisions of said Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 539, A bill to be entitled "An Act amending Article 3259 of the Revised Civil Statutes of Texas of 1925, relating to the Waco State Home, formerly known as the Home for Dependent and Neglected Children, so as to facilitate the administration of said Home and to provide for more effective training and care of children in need of it and for the placement of certain children of said Home in children's boarding homes at a rate not to exceed One (\$1.00) Dollar per day for each child so boarded; provided that such homes shall be licensed by the Division of Child Welfare, State Board of Con-

trol; retaining with said superintendent control and custody of the child so placed as same exists with all other inmates of said Home; providing that children may be placed for adoption in homes approved by said Division of Child Welfare, State Board of Control; declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 716, A bill to be entitled "An Act amending Article 4619, Revised Civil Statutes, 1925, revision, so as to more clearly define what constitutes community property."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bill, to whom was referred

H. B. No. 799, A bill to be entitled "An Act making appropriation of certain sums of money, or so much thereof as may be necessary, out of the General Revenue Fund to pay taxes due by the State to certain independent school district, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 808, A bill to be entitled "An Act to amend Article 1645, Title 34, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 35, General and Special Laws passed at the First Called Session of the Fortieth Legislature, as amended by Chapter 28, General and Special Laws passed at the First Called Session of the Forty-first Legislature, as amended by Chapter 15, General and Special Laws passed at the Second Called Session

of the Forty-second Legislature, relating to the appointment and compensation of County Auditors in counties containing a population of thirty-five thousand (35,000) inhabitants, or over, according to the preceding Federal Census, or having a tax valuation of Fifteen Million (\$15,000,000.00) Dollars, according to the last approved tax rolls; and providing that in all counties of not less than seven thousand, six hundred and eighty (7,680) inhabitants and not more than seven thousand, seven hundred (7,700) inhabitants, according to the 1930 Census, the Commissioners' Courts thereof shall have the power to determine whether an Auditor for such county is a public necessity in the dispatch of the county's business and if such Court determines that such necessity exists for such Auditor, it may appoint same, who shall qualify and perform the duties required of a County Auditor in this State, and such Commissioners' Court shall have the power to discontinue such office at any time that it may determine that such Auditor be not a public necessity; and providing for additional compensation for the County Auditors in such counties having more than two hundred thousand (200,000) population and not more than three hundred thousand (300,000) population, according to the last Federal Census, where there is a city and county hospital to care for city and county patients, and where a financial record for such hospital must be kept and reports made to the city and county; and providing that if any portion of this Act be declared unconstitutional or invalid, the remainder shall not be affected thereby."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 822, a bill to be entitled "An Act to amend Article 7252, Revised Statutes, 1925, authorizing the assessor and collector of taxes to appoint deputies to assist him in the assessment and collection of taxes; providing for bonds from such deputies; providing that the assessor and

collector shall be liable for the Acts of such deputies; and authorizing the deputies to perform the duties imposed and required by law of the assessor and collector of taxes; and providing that in counties having a population of 355,000 or more, according to the last preceding Federal Census the assessor and collector may apply to the Commissioners' Court for the appointment of special deputies having technical training or qualified by experience in order to obtain valuations and perform technical duties and authorizing the application for clerical, accounting, and stenographic assistants in connection therewith and providing for a special head for the automobile division of said offices, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 823, A bill to be entitled "An Act to amend Subsection (h) of Section 19, Chapter 465, of the Acts of the Forty-fourth Legislature, Second Called Session, by adding thereto a proviso applying in counties having a population of more than 255,000, according to the last preceding Federal Census fixing the limits of the salaries to be paid deputies, assistants, and employees of district, county and precinct officers, defining heads of departments, providing for the manner and means of employment, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 824, A bill to be entitled "An Act providing that in all counties containing a population of 355,000 or more inhabitants, according to the last preceding or any future Federal Census, the Commissioners' Court of each of such counties shall make a reasonable allowance, not to exceed Fifty (\$50) Dollars a month, to each Jus-

tice of the Peace for the operation of automobiles in connection with their official business, when such Justice of the Peace sits in a court maintained in the courthouse at the county seat of each such counties, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 829, A bill to be entitled "An Act extending the validating provisions of Articles 961 and 961a of the Revised Civil Statutes, 1925, by the addition of Article 961b; reenacting the provisions of Articles 961 and 961a, and giving said cities, towns or villages all the powers heretofore granted to them under Title 28; validating all proceedings heretofore had by the governing bodies of all cities and towns in counties having a population of more than 46,100 and less than 46,200, according to the last preceding Federal Census, in the issuance and sale of obligations used in financing any project for which loan or grant has been made or applied for to the United States through the Federal Emergency Administrator of Public Works or any agency, department, or division of the government of the United States; validating all tax levies to be used in the refunding of said obligations; exempting all pending litigation, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 832, A bill to be entitled "An Act to declare valid and legal the establishment and organization of housing authorities, all bonds, notes, contracts, agreements, obligations and undertakings of such housing authorities, and all proceedings, acts and

things heretofore undertaken, performed or done with reference thereto."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 833, A bill to be entitled "An Act to authorize cities to adopt ordinances relating to the repair and closing of dwellings unfit for human habitation; to provide for the remedies and procedure in connection with action taken under such ordinances, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 834, A bill to be entitled "An Act to provide that bonds and other obligations issued by any public housing authority or agency in the United States, when secured by a pledge of annual contributions to be paid by the United States Government, shall be security for all public deposits, and legal investments for the State and public officers, municipal corporations, political subdivisions and public bodies, all banks, bankers, trust companies, saving banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries; to repeal Section 14-a of Chapter 462, Regular Session of the Forty-fifth Legislature, as amended by House Bill No. 102, Second Called Session of the Forty-fifth Legislature, and to declare an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 836, A bill to be entitled "An Act amending Section 3 of Article 5221-C, Title 83 of the Revised Civil Statutes of the State of Texas, exempting certain boilers within the city limits of cities having a population of 292,000, or over, from inspection, inspection fees, etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 840, A bill to be entitled "An Act prohibiting the setting of any steel trap, snare or deadfall in certain counties for the purpose of taking any fur-bearing animals for a period of two (2) years; providing certain exceptions; repealing all laws insofar as they conflict with this Act; providing a penalty for violation of this Act."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 845, A bill to be entitled "An Act making it unlawful to take or kill any wild fox in the Counties of Young and/or Jack for a period of two years; making exceptions thereof; prescribing penalty for violation of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 852, A bill to be entitled "An Act authorizing the Board of

Directors of the Texas Technological College at Lubbock to lease at public auction for oil, gas, sulphur, and/or other mineral development all lands used as experimental stations and all other lands under its exclusive control; providing for the Texas Technological College Special Mineral Fund and the manner it is to be administered; providing for a permanent fund and the expenditures of the income from same prescribing the mode and manner of said oil, gas, sulphur and other mineral leases on said land; appropriating certain moneys received between the effective date of the Act and August 31, 1939, to the use of the Texas Technological College, its branches and divisions, authorizing necessary subdivision; procuring of abstracts, and advertisement with respect to sale of said leases; providing penalty for delay in drilling; fixing certain regulations with regard to leasing; providing drilling operations shall not interfere with the operation of the Texas Technological College as a college and/or farm; providing for the filing of leases and records in the State Land Office; providing for extension of leases; providing for assignment of leases and relinquishment to the State; providing the time and manner of payment of royalties; providing for reports to the Board of Directors; providing for forfeiture of lease; authorizing a majority of the Board to act; making an appropriation to defray the expenses of said Board; providing if any part of the Act shall be declared unconstitutional it shall not affect the validity of the remainder, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 855, A bill to be entitled "An Act providing pay for members of the county board of school trustees of certain counties, and limiting the number of sessions to be paid for, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.



Austin, Texas, April 6, 1939.  
Hon. R. Emmett Morse, Speaker of  
the House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 867, A bill to be entitled  
"An Act providing that in counties  
having a population of not less than  
twenty-two thousand, one hundred  
(22,100) and not more than twenty-  
two thousand, six hundred (22,600),  
according to the last preceding Fed-  
eral Census, the County Judge may  
appoint a court stenographer to be  
called and known as the Official Court  
Reporter of the County Court; pro-  
viding that the person appointed by  
said County Judge shall be approved  
by the Commissioners' Court of the  
county in which appointed; to define  
and describe the duties of such Court  
Reporter and fix the compensation  
and tenure of office; prescribing the  
fund from which the salary is to be  
paid, and declaring an emergency."

Has carefully compared same and  
finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.  
Hon. R. Emmett Morse, Speaker of  
the House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 870, A bill to be entitled  
"An Act creating Road District No.  
4, of Tyler County, Texas, under au-  
thority of Article 3, Section 52 of the  
Constitution of Texas, for the pur-  
pose of the construction, main-  
tenance and operation of macadam-  
ized, graveled or paved roads and  
turnpikes or in aid thereof, making  
it a body corporate and taxing dis-  
trict; describing said district by metes  
and bounds; reciting that it comprises  
a portion of the territory of Road  
District No. 2 of said County which  
has outstanding road bonds, and de-  
claring that it is not intended by the  
creation of Road District No. 4, to  
interfere in any manner with the func-  
tioning of said Road District No. 2;  
providing that such road district shall  
have authority to issue bonds for the  
purpose of the construction, main-  
tenance and operation of macadam-  
ized, graveled or paved roads and  
turnpikes or in aid thereof and levy  
ad valorem taxes in payment thereof,  
as contemplated by Article 3, Section  
52, of the Constitution of Texas, when

authorized by two-thirds majority vote  
of the duly qualified resident property  
tax paying voters of said district; pro-  
viding that such road district shall be  
governed in the matter of issuing  
bonds and levying ad valorem taxes  
in payment thereof as provided by the  
General Laws of Texas and particu-  
larly Chapter 16 of the General Laws  
enacted by the Thirty-ninth Legisla-  
ture at its First Called Session in  
1926, and amendments thereto, and  
declaring an emergency."

Has carefully compared same and  
finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of  
the House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 871, A bill to be entitled  
"An Act creating Road District No.  
5, of Tyler County, Texas, under au-  
thority of Article 3, Section 52 of  
the Constitution of Texas, for the pur-  
pose of the construction, maintenance  
and operation of macadamized, grave-  
led or paved roads and turnpikes or  
in aid thereof, making it a body cor-  
porate and taxing district; describing  
said district by metes and bounds; re-  
citing it comprises a portion of the  
territory of Road District No. 2, of  
said County, which has outstanding  
road bonds, and declaring that it is  
not intended by the creation of Road  
District No. 5, to interfere in any  
manner with the functioning of said  
Road District No. 2; providing that  
such road district shall have authority  
to issue bonds for the purpose of the  
construction, maintenance and opera-  
tion of macadamized, graveled or  
paved roads and turnpikes or in aid  
thereof and levy ad valorem taxes in  
payment thereof, as contemplated by  
Article 3, Section 52, of the Constitu-  
tion of Texas, when authorized by two-  
thirds majority vote of the duly qual-  
ified resident property tax paying vot-  
ers of said district; providing that  
such road district shall be governed  
in the matter of issuing bonds and  
levying ad valorem taxes in payment  
thereof as provided by the General  
Laws of Texas and particularly Chap-  
ter 16 of the General Laws enacted  
by the Thirty-ninth Legislature at its  
First Called Session, in 1926, and

amendments thereto, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 873, A bill to be entitled "An Act making provisions for salaries of chief deputy in the office of sheriff, tax collector and assessor in certain counties; authorizing Commissioners' Court to pay salaries; providing mode and manner of paying salaries; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 874, A bill to be entitled "An Act to amend Subsection E of Section 2, of Article 3912e-2, Revised Civil Statutes of Texas, being House Bill No. 165, Acts, 1937, Forty-fifth Legislature, Regular Session, Chapter 81, page 151, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 876, A bill to be entitled "An Act fixing the compensation for County Commissioners in certain counties, providing the manner of payment and prescribing the funds from which it shall be paid, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 877, A bill to be entitled "An Act to fix the salary of the Superintendent of Public Instruction in each county in Texas having a population of not less than ten thousand, three hundred and fifty (10,350), and not more than ten thousand, three hundred and eighty (10,380), according to the last preceding Federal Census; providing for the payment of such salary from the Available School Fund of such county; providing for office and traveling expenses to be paid out of the Available School Fund; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 881, A bill to be entitled "An Act creating and establishing Callahan County Road District No. 1-A in Callahan County, Texas, under Article III, Section 52, of the Constitution for the purpose of the construction, operation and maintenance of macadamized, graveled or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the district a body corporate with authority to sue and be sued; authorizing the district to issue bonds upon two-thirds vote of the property taxpaying voters voting at an election; prescribing the method of calling and conducting such election, and the method of issuing said bonds; directing the levy, assessment and collection of a tax for the payment of principal and interest of said bonds; providing for the custody and disbursement of the funds of the district; providing that in awarding contracts for road construction the Commissioners' Court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that a portion of the district hereby created is also included in another road district having outstanding bonds shall not affect the district

hereby created or its powers hereby granted; determining that all of the lands in said district will be benefited by additional road improvements; providing that the provisions of this Act shall prevail in the event of conflict with any other general or special laws; providing that if any provision hereof is held to be invalid such holding shall not affect the other provisions hereof, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 882, A bill to be entitled "An Act creating and establishing Callahan County Road District No. 2 in Callahan County, Texas, under Article III, Section 52, of the Constitution for the purpose of the construction, operation and maintenance of macadamized, graveled or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the district a body corporate with authority to sue and be sued; authorizing the district to issue bonds upon two-thirds vote of the property taxpaying voters voting at an election; prescribing the method of calling and conducting such election, and the method of issuing said bonds; directing the levy, assessment and collection of a tax for the payment of principal and interest of said bonds; providing for the custody and disbursement of the funds of the district; providing that in awarding contracts for road construction the Commissioners' Court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that a portion of the district hereby created is also included in another road district having outstanding bonds shall not affect the district hereby created or its powers hereby granted; determining that all of the lands in said district shall be benefited by additional road improvements; providing that the provisions of this Act shall prevail in the event of conflict with any other general or special laws; providing that if any provision hereof is held to be invalid such holding shall not affect the other provisions hereof; repealing House Bill No. 349, and declaring an emergency."

visions hereof; repealing House Bill No. 349, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 883, A bill to be entitled "An Act to amend Article 6704 of the Revised Civil Statutes of Texas by adding thereto a new subdivision to be known as subdivision 4, permitting empowering and authorizing the Commissioners' Court of any county containing a population of not less than five thousand, six hundred ninety (5,690) nor more than five thousand, seven hundred fifty (5,750), according to the last preceding Federal Census, to construct cattle guards on any or all of the first class, second class, or third class roads within their respective counties in accordance with plans and specifications prepared and approved by the Commissioners' Court of said County, and further permitting, authorizing and empowering said Commissioners' Court to construct said cattle guards on any such roads and pay therefor out of the road and bridge funds of said County and making it a penal offense for anyone to construct any cattle guard on such roads not in accordance with said approved plans and specifications as prepared and approved by said Commissioners' Court providing a suitable penalty therefor, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 885, a bill to be entitled "An Act authorizing County Commissioners' Courts and the City Commission of any incorporated town to lease or rent office space for the purpose of aiding and cooperating with the agencies of the State and Federal Governments engaged in the administration of relief of the unemployed and needy people in the State of

Texas, and to pay the regular monthly utility bills for such offices, such as lights, gas and water; to pay for such leases, rentals and utilities out of the General Fund when in the opinion of a majority of the Commissioners' Court such is essential to the proper administration of such agencies of either the State or Federal Governments; providing for the validation of all actions, proceedings, orders and contract for such rentals, leases or utility bills heretofore made by any Commissioners' Court; providing that if any part of this Act shall ever be held unconstitutional, such holding shall not affect the validity of the remaining portions of the Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 886, A bill to be entitled "An Act providing that County Commissioners' Courts and the municipal government of any incorporated city, town or village, may appoint, employ and pay case workers and investigators to make investigations of needy persons to whom may be supplied necessities, furnished by the Texas Relief Commission, any proper Federal Agency, or by counties or cities or by any one of said agencies, city, commission, city or county; providing that in no case shall there be employed more than one case worker or investigator to every one hundred thousand (100,000) inhabitants of each county Commissioners' Courts in this State providing that County in conjunction with municipalities and governments of any incorporated city, town or village may enter into an agreement to jointly appoint, employ and pay the salary of case workers or investigators to make investigations of needy persons to whom may be supplied necessities furnished by the Texas Relief Commission or any proper Federal Agency or by counties or cities, or by any one of said agencies, commissions, cities or counties in such proportionate parts as may be agreed upon by the said Commission-

ers' Court of any county and any municipal government situated in said County; providing compensation for such case workers so employed and appointed may not exceed Eighteen Hundred (\$1,800.00) Dollars per annum; providing the duties of such case workers and investigators; providing that the employment, appointment and paying of such case worker shall be discretionary with the Commissioners' Courts of any county in this State, declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 888, A bill to be entitled "An Act defining coloring matter and its composition, manufacture, sale and use in connection with citrus fruit; providing for the analysis of such coloring matter by the Commissioner of Agriculture and for the licensing of the manufacturers thereof; prescribing the form and amount of bond to be given by such manufacturers; prohibiting the use of harmful coloring matter on citrus fruit; prescribing the maturity of fruit to which such coloring matter is applied; authorizing the Commissioner of Agriculture to issue rules and regulations pursuant to such Act; providing for the enforcement thereof by the Chief of Maturity Division and other agents of the Commissioner of Agriculture and fixing compensation of such Chief for so doing; providing for the inspection of citrus treated with coloring matter and assessing the cost of enforcing the Act against such fruit so treated; providing for the branding of fruit treated with coloring matter and containers in which it is shipped and prohibiting the application of unauthorized coloring matter to citrus fruit; declaring citrus which does not comply with the Act to be dangerous to public health and a public nuisance; providing penalties for violation of the Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives .

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 889, A bill to be entitled "An Act making it unlawful to take any fish from any of the fresh water lakes, rivers, bayous, sloughs, and/or any other fresh waters in Jack County, Texas, by the use of any hoop, nets, and/or barrel nets; prescribing penalties for such unlawful taking; repealing all laws and parts of laws to the extent of the conflict only, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 892, A bill to be entitled "An Act providing for the excluding of lands from water improvement districts and from water control and improvement districts where such land is not of such nature as to be subject to irrigation in a practicable manner, upon application of the owner of such land, by the Board of Directors of such district, with the consent of ninety-five (95%) per cent of the bondholders holding bonds payable from taxes levied within such district, and provided a like amount of irrigable land is added to such district upon the application of the owner thereof at the time of excluding land not subject to irrigation in a practicable manner, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 894, A bill to be entitled "An Act providing that it shall be unlawful to shoot quail in McCullough and San Saba Counties until December 1, 1941; providing a suitable penalty for violation of this Act; repeal-

ing all conflicting laws, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 906, A bill to be entitled "An Act authorizing the Commissioners' Court of any county having a population of not less than thirty-seven thousand, five hundred (37,500) and not more than thirty-eight thousand, six hundred (38,600) inhabitants, according to the last preceding Federal Census, to allow each County Commissioner the sum of Fifty (\$50.00) Dollars per month for traveling expenses; providing for the source of payment of such expenses, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 909, A bill to be entitled "An Act to amend Article 1654a, Section 1, of the Revised Civil Statutes; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 913, A bill to be entitled "An Act providing for more adequate and equitable salary for County Superintendent of Public Instruction in all those counties of Texas coming within the brackets and population figures herein, specifically in all those counties having not less than forty-three thousand, one hundred twenty-five (43,125), and not more than forty-three thousand, two hundred (43,200), according to the last preceding Federal Census; modifying all

laws or parts of laws in conflict herewith; making the Act cumulative of the General Law, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 952, A bill to be entitled "An Act for the purpose of better conserving the salt water fish and marine resources of the State of Texas by providing certain regulations and restrictions and the use of certain parts of the waters of all artificial and natural passes now or hereafter constructed and maintained by the Game, Fish and Oyster Commission of the State of Texas as fish passes; etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 11, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 88, Authorizing the Enrolling Clerk of the House of Representatives to make certain typographical corrections in Section 1 of House Bill No. 444.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 706, A bill to be entitled "An Act to regulate the taking of bullfrogs; providing a penalty, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 562, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue Fund of the State of Texas for the Livestock Sanitary Commission for additional support and maintenance of the Livestock Sanitary Commission for the balance of the fiscal year ending August 31, 1939, to recover the office expenses, traveling expenses, indemnity bangs reactor to cattle and goat owners. Of law enforcement, salaries of Inspectors providing for the regulations for which appropriations shall be expended and under which such Inspectors shall be employed, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 151, A bill to be entitled "An Act to license and regulate persons engaging in the business of constructing, reconstructing, repairing, altering, installing or adjusting weights, scales or weighing devices; providing for registration fees and for examinations of applicants for licenses; providing for issuance of renewal licenses on payment of renewal fees; providing that a firm, partnership, corporation, company or association may engage in the business of scale repairman in this State, provided such business is carried on by only scale repairmen licensed and registered in this State; providing for the keeping of certain records and the making of certain reports by licensees; providing for the promulgation of rules and regulations for the enforcement of the Act not inconsistent therewith by the Commissioner of Agriculture; providing for the revocation and suspension of licenses; providing certain exemptions; providing penalties

for the violation thereof and repealing all laws in conflict."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1939

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 397, A bill to be entitled, "An Act defining 'warehousemen' and 'warehouse,' names and words associated therewith; and providing for the licensing and bonding of same and the manner of securing license and bond and exempting certain warehouses; and providing for the procedure thereof; defining the duties and liabilities of warehousemen; and providing for the Commissioner of Agriculture to supervise warehouses; and to approve forms of receipts, records and certificates, and providing for records to be kept and for the inspection of same; for warehouse examiners with a general director thereof; for salaries and qualifications and for bonding of same and prescribing their duties; providing for warehousemen to furnish an annual audit of reserve funds, assets and liabilities, and the manner of making same; providing for examination fees; fixing the amount of same and to whom payable; providing for the disposition of same to the State Treasurer in a special fund; providing for forced liquidation of insolvent warehousemen; providing for method of handling grain in excess of storage capacity; providing for separate accounts for grain, that grain warehouse receipts shall show kind, grade, etc., complying with U. S. Grain Standards Act; providing for delivery of grain on surrender of receipts; providing for handling of grain at time of delivery to warehouse, and for issuance of tickets; providing for forfeitures and penalties for violation of provisions of this Act and for violating certain provisions of Chapter 4, Title 93, Revised Civil Statutes 1925; making failure to obey law a penal offense and fixing punishment therefor; providing for the interpretation of this Act; repealing Chapters 1, 2 and 3, and Article 5661, and subsection 10, of Article 6513, Chapter 4, Title 93, Revised Statutes 1925, Senate Bill

34, Acts of the Second Called Session, Forty-second Legislature, and any other laws in conflict with this Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1939

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 391, A bill to be entitled "An Act regulating the taking of fish and shrimp in the tidal waters of this State; providing that it shall be lawful to use strike nets, gill nets, trammel nets or shrimp trawls in the open waters of East Galveston Bay in the Counties of Galveston and Chambers, and in certain waters of Galveston Bay, during the period beginning August 15 and ending May 15 of each year; making it unlawful to use certain nets contrary to the provisions of Chapter 119, page 269, Acts of the Regular Session of the Forty-first Legislature; providing that it shall be unlawful to have in possession certain seines or nets in or on any of the tidal waters of this State where said nets are prohibited from being used in taking fish or shrimp unless same is on board a vessel when in port or enroute to or from the Gulf of Mexico; providing for seizure of said nets by officers of the State and for trial of defendant; fixing a penalty; repealing all laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1939

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 359, A bill to be entitled "An Act to amend Article 5420 of the Revised Civil Statutes of Texas, 1925, by requiring that all suits under said Article and under Article 5419 of the Revised Civil Statutes of Texas, 1925, hereafter filed, be brought in the county in which the land involved or any part thereof may lie, and providing for the transfer from the District



Court of Travis County, Texas, to the court having jurisdiction in the county in which the land or any part thereof may lie of cases heretofore filed by the State in the District Court of Travis County, Texas, under said Articles and not yet tried in the trial court on motion of any party to any such cause, and providing for the hearing and disposition of such motion, repealing all laws or parts of laws in conflict therewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

#### REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 47, "An Act to amend Article 2462, Revised Civil Statutes of Texas of 1925, as amended by Acts of the Forty-first Legislature, Regular Session, Chapter 17, Page 46, Section 1, providing for the receiving, lending, and investing of funds of Credit Unions, and the regulating thereof; and amending Article 2475, Revised Civil Statutes of Texas of 1925, as amended by Acts of 1929, Forty-first Legislature, Regular Session, Chapter 17, Page 46, providing for the lending of the capital, deposits, and surplus funds of the Association and the deposit thereof; and amending Article 2477, Revised Civil Statutes of Texas of 1925, as amended by Acts of 1929, Forty-first Legislature, Regular Session, Chapter 17, Page 46, Section 1, providing the conditions under which loans may be made by Credit Unions; and amending Article 2484, Revised Civil Statutes of Texas of 1925, as amended by Acts of 1929, Forty-first Legislature, Second Called Session, Chapter 85, Page 168, Section 1, as amended by Acts of 1937, Forty-fifth Legislature, Regular Session, Chapter 117, Page 217, Section 1, providing for reports to the Banking Commissioner, and the fees therefor; and providing for a penalty for failure to file such reports; and providing for certain exemptions from taxation; defining terms; providing a

saving clause; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 11, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. C. R. No. 44, Granting Charley Prewett, et al permission to sue the State.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 11, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. C. R. No. 86, Extending an invitation to the Choir of the Texas State College for Women, Denton, to appear in concert before a Joint Session of the two Houses at 11:50 o'clock on the morning of Friday, April 14, 1939, in the Hall of the House of Representatives.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 11, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. C. R. No. 87, Authorizing the Enrolling Clerk of the House to make certain corrections in H. B. No. 310.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 11, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 336, "An Act making an emergency appropriation to supplement an appropriation made by the Regular Session of the Forty-fifth Legislature for the fiscal year ending August 31, 1939, found on Page 1368, Acts of the Regular Ses-



sion of the Forty-fifth Legislature; said appropriation is to pay the salaries and other expenses of the inspection work incident to the eradication of the Pink Bollworm, under the provisions of Chapter 3, Title 4, Revised Civil Statutes of Texas, 1925, known as the Pink Bollworm Law, and amendments thereto; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 11, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 685, "An Act to amend Section 22, Acts 1935, Forty-fourth Legislature, First Called Session, page 1660, Chapter 427, creating the Nueces River Conservation and Reclamation District, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 11, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 49, "An Act amending Articles 3704, 3705, 3706, 3707, 3709, 3711, and 3738 of the Revised Civil Statutes of Texas, of 1925; providing for the issuance and service of subpoenas in civil cases; providing for the style and form of such subpoenas; providing that all witnesses so summoned shall be required to attend court in obedience thereto, and that failing to so attend, any such witness may be fined by the court a for a contempt of court, and an attachment may issue against the body of such witness to compel attendance; providing that any witness refusing to give evidence may be committed to jail, there to remain without bail until such witness shall consent to give evidence; providing for the examination of any party to a suit as a witness; providing for the taking of depositions of witnesses in civil suits, and that the

failure to obtain the depositions of any witness, male or female, residing in the county in which the suit is pending, shall not be regarded as want of diligence where diligence has been used to secure the personal attendance of any such witness by the service of a subpoena or attachment, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 11, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 343, "An Act to amend Article 2965, Title 50, Chapter 5, of the Revised Civil Statutes of Texas of 1925, as amended by Acts of the Forty-first Legislature, 1929, Page 248, Chapter 109, Section 2, and as amended by the Acts of the Forty-first Legislature, 1929, First Called Session, Page 111, Chapter 51, Section 2; providing for form of receipt for payment of poll tax; amending Article 2970, Title 50, Chapter 5, of the Revised Civil Statutes of Texas of 1925; prescribing the number of poll tax books to be issued, the time of such issue, the character of books furnished; providing for duplicate copies of said books; prescribing the data to be placed in said books; providing for the manner of delivery of certificates from said books; amending Article 2975, Title 50, Chapter 5, of the Revised Civil Statutes of Texas of 1925; prescribing and making it the duty of the Tax Collector to tabulate a list of voters; prescribing the time such duty shall be performed; prescribing the number of such lists and the mode and manner of issuing the same; prescribing for description of voter, his residence, his voting precinct, and the list of his residence in the State and county; prescribing the form of such lists; defining offenses for violation of said Act and prescribing punishment therefor; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 57, "An Act granting permission to Victor Alexander Surber to bring suit against the State of Texas, and/or Highway Department, in a Court of competent jurisdiction, in Nueces County, Texas, for damages for personal injuries received by him while on duty in the employ of the Highway Department of the State of Texas, and which injuries are alleged to have produced damages to the said Victor Alexander Surber; providing that any judgment so recovered to be paid out of the funds of the Highway Department of the State of Texas; providing that if any provisions of this Act shall be invalid, the validity of the other provisions thereof shall not be affected; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10; 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 429, "An Act to create a more efficient road law for Cameron County, Texas, providing for the cancellation, without the prerequisite of an election, of certain bonds heretofore voted; prescribing the method of accomplishing said cancellation; providing that this law shall take precedence over other laws in conflict herewith; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 516, "An Act to validate acts of city officials and proceedings of city governing bodies in borrowing money from The Reconstruction Finance Corporation or other agencies of the United States Gov-

ernment for the purpose of making repairs and extensions, or either, to a dam comprising part of a waterworks system; declaring money so borrowed with interest thereon, to be a legal obligation of such city or town payable from the revenues of its waterworks system; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 527, An Act to provide for a more adequate and equitable salary of county superintendents of public instruction in all counties of the State of Texas having a population of not less than one hundred and ninety-seven thousand (197,000) and not more than one hundred and ninety-eight thousand (198,000) and all counties with a population of not less than thirty-two thousand, four hundred (32,400) and not more than thirty-two thousand, eight hundred (32,800), according to the last preceding Federal Census; providing for the traveling expenses and/or office expenses for said offices; providing the salary specified herein shall be paid monthly; providing certain salary shall not be paid until reports have been filed with the State Department of Education; providing how office expenses may be paid; and repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 11, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 381, "An Act amending Article 200, Title 6, Chapter 2, of the Penal Code of the State of Texas, 1925, making it unlawful to give out any poll tax receipt or certificate of exemption in blank, to issue any poll tax receipt or certificate of exemption in blank, or to de-

liver any poll tax receipt or certificate of exemption to any fictitious person; fixing a penalty therefor; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 11, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 720, "An Act to amend Article 4595, Title 73 of the Revised Civil Statutes of Texas, 1925, relating to sales to satisfy liens of hotel and boarding house proprietors and innkeepers, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 11, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 74, "An Act creating a State Bar; constituting it an administrative agency of the Judicial Department of the State; defining the powers thereof; prescribing the membership thereof and prohibiting those not members from practicing law; empowering the Supreme Court to prepare, propose, adopt and promulgate rules and regulations for disciplining, suspending and disbarring attorneys at law and for the conduct of the State Bar, and prescribing a code of ethics governing the conduct of the members of the State Bar; providing for the submission of all such rules and regulations prepared and proposed by the Court, as well as all such other rules and regulations proposed and filed with the Court, supported by petition signed by at least ten per cent (10%) of the registered members of the State Bar, to each registered member thereof for a vote thereon; providing for the canvassing of the ballots returned and for declaring the results of such election and the promulgation of all such rules and regulations as have received a majority of the votes cast; providing that no election shall be valid unless a minimum of fifty-one per cent (51%) of the members registered shall have voted in the

election; providing that the vote shall be open to inspection by any member of the Bar, that no rule or regulation shall be promulgated that has not received a majority of the votes cast, and that the Court is not authorized to prescribe fees to be charged by attorneys for legal services; empowering the Court to prescribe fees not exceeding Four Dollars (\$4.00) per annum per person to be paid to the Clerk of the Court and to be expended by the Court or under its direction for the purpose of the administration of this Act and the method and manner by which such fees may be paid; providing that the Supreme Court shall not have the power to abrogate the right of trial by jury in disbarment proceedings, that disbarment proceedings shall be instituted in the district court of the county of residence of the defendant, and that no attorney shall be suspended until convicted of charges pending against him; providing that if any portion of this Act shall be held invalid or unconstitutional, such holding shall not invalidate any other portion thereof; providing that all laws or parts of laws in conflict with this Act or with the rules and regulations adopted under this Act by the Supreme Court are hereby repealed; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 11, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. C. R. No. 88, Authorizing the Enrolling Clerk of the House of Representatives to make certain typographical corrections in Section 1 of House Bill No. 444.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

SENT TO THE GOVERNOR

April 11, 1939

House Bill No. 585.  
House Bill No. 666.  
House Bill No. 565.  
House Bill No. 552.  
House Bill No. 674.

House Bill No. 670.  
 House Bill No. 812.  
 House Bill No. 718.  
 House Bill No. 719.  
 House Bill No. 797.  
 House Bill No. 745.  
 House Bill No. 807.  
 House Bill No. 566.  
 House Bill No. 683.  
 House Bill No. 617.  
 House Bill No. 413.  
 House Bill No. 380.  
 House Bill No. 379.  
 House Bill No. 47.  
 House Bill No. 269.  
 House Bill No. 158.  
 House Bill No. 230.  
 House Bill No. 414.  
 House Bill No. 438.  
 House Bill No. 450.  
 House Bill No. 472.  
 House Bill No. 534.  
 House Bill No. 336.  
 House Bill No. 49.  
 House Bill No. 343.  
 House Bill No. 381.  
 House Concurrent Resolution No. 83.  
 House Concurrent Resolution No. 53.  
 House Concurrent Resolution No. 41.  
 House Concurrent Resolution No. 84.  
 House Concurrent Resolution No. 85.

Daniel	McDonald
Davis of Jasper	McFarland
Davis of Upshur	McMurry
Dean	McNamara
Derden	Mohrmann
Dickison	Monkhouse
Dickson	Montgomery
Donaghey	Morris
Dwyer	Newell
Faulkner	Nicholson
Felty	Oliver
Ferguson	Pace
Fielden	Petsch
Fuchs	Pevehouse
Galbreath	Piner
Gilmer	Pope
Goodman	Ragsdale
Gordon, Mrs.	Reader of Bexar
Hale	Reader of Erath
Hamilton	Reaves
Hankamer	Reed
Hardeman	Rhodes
Hardin	Riviere
Harp	Roach
Harper	Roberts
Harrell of Bastrop	Robinson
Harrell of Lamar	Russell
Harris	Segrist
Hartzog	Shell
Heflin	Skiles
Holland	Smith of Frio
Howard	Smith of Hopkins
Howington	Spencer
Hull	Stinson
Hunt	Stoll
Isaacks	Talbert
Johnson of Ellis	Tarwater
Johnson of Tarrant	Taylor
Kennedy	Tennant
Kern	Thornberry
Kerr	Thornton
Kersey	Turner
Kinard	Vint
King	Voigt
Langdon	Waggoner
Lehman	Weldon
Leonard	Westbrook
Leyendecker	White
Little	Wilson
Lock	Winfree
Loggins	Wood
London	Worley
Mays	Wright
McDaniel	

## FIFTY-THIRD DAY

(Wednesday, April 12, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Broadfoot
Allen	Brown of Cherokee
Allison	Brown
Alsup	of Nacogdoches
Anderson	Bundy
Bailey	Burkett
Baker	Burney
of Fort Bend	Cauthorn
Baker of Grayson	Celaya
Bell	Chambers
Blankenship	Clark
Boethel	Cleveland
Bond	Cockrell
Boyd	Coleman
Boyer	Colquitt
Bradbury	Colson, Mrs.
Bradford	Cornett
Bray	Corry
Bridgers	Crossley

## Absent—Excused

Dowell	Smith
Keith	of Matagorda
McAlister	Vale
Schuenemann	Wells

A quorum was announced present.